



# **PM Capital - PRIVACY POLICY (WEBSITE VERSION)**

**Version:**

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ABN 69 083 644 731, AFSL 230222

**Registered address:** Level 11, 68 York Street  
Sydney NSW 2000

## Privacy of your personal information

### About this policy

PM Capital Limited (“PM Capital”, “we”) acts as the Responsible Entity and/ or trustee for several managed investment schemes (collectively the ‘Schemes’) and as Investment Manager of various external mandates and the PM Capital Global Opportunities Fund Limited, a listed investment company.

PM Capital recognises the importance of, and is committed to, protecting the privacy of individuals when handling their personal information. We consider that our behaviour in relation to privacy to be a reflection of our commitment to meeting high compliance and ethical standards.

The PM Capital Privacy Policy (‘Policy’) explains in an open and transparent manner how PM Capital will collect, hold, use, disclose, protect and otherwise handle our clients’ personal information in accordance with the Australian Privacy Principles contained in the Privacy Act 1988 (Cth).

When you provide PM Capital with personal information you consent to its use, disclosure and handling of your personal information in accordance with this Privacy Policy as amended from time to time.

A copy of this Policy is available for download from our website at [www.PM Capital.com.au](http://www.PM Capital.com.au), or a copy of the Policy can be obtained from us (free of charge) on request. Should you require a copy of this policy it is available for download or we can post you a copy at your request.

We may update this Privacy Policy from time to time to take into account changes in our practices for the handling of personal information, or to relevant legislation, by publishing an amended Privacy Policy on our Website. You should regularly review the most recent version of this Privacy Policy available on our Website.

### 1. THE AUSTRALIAN PRIVACY PRINCIPLES

The Australian Privacy Principles (APPs), which are contained in schedule 1 of the Privacy Act 1988 (Privacy Act), outline how PM Capital must handle, use and manage personal information.

While the APPs are not prescriptive, PM Capital takes such steps as are reasonable in the circumstances to implement practices, procedures and systems relating to its business functions or activities that:

- (a) will ensure that PM Capital complies with the Australian Privacy Principles and a registered APP code (if any) that binds us; and
- (b) will enable PM Capital to deal with inquiries or complaints from individuals about our compliance with the Australian Privacy Principles or such a code.

The APPs cover:

- the open and transparent management of personal information including having a privacy policy;
- an individual having the option of transacting anonymously or using a pseudonym where practicable;
- the collection of solicited personal information and receipt of unsolicited personal information including giving notice about collection;
- how personal information can be used and disclosed (including overseas);
- maintaining the quality of personal information;
- keeping personal information secure;
- right for individuals to access and correct their personal information.

There are also separate APPs that deal with the use and disclosure of personal information for the purpose of direct marketing (APP 7), cross-border disclosure of personal information (APP 8) and the adoption, use and disclosure of government related identifiers (APP 9).

### **1.1 What is personal information?**

Personal information means any information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

## **2. PERSONAL INFORMATION COLLECTED AND HELD**

PM Capital collects personal information directly from you (and/or through our intermediaries) for the purposes of providing to you our investment services and products.

The kinds of personal information that we may collect and hold includes:

- your name;
- place and date of birth;
- occupation;
- tax file number (and other international tax numbers, and residency details);
- email address;
- residential and/ or postal address;
- mobile or telephone number(s);
- the source of your funds/monies;
- bank account details;
- Securityholder Reference Number (SRN) or Holder Identification Number (HIN);
- drivers licence, passport details, Medicare details and other such identification documents.

Where you do not provide us with some or all of your personal information that we request then we may not be able to provide you with our products or services.

PM Capital may hold personal information collected in both physical and electronic storage facilities including paper-based files and computer databases.

Electronic records are maintained by a cloud hosting service provider or other third party storage or server provider. All such personal information is maintained within the effective control of PM Capital. We have arrangements which require third party service providers to maintain the security of the information and we take reasonable steps to protect the privacy and security of that information, however, we are not liable for any unauthorised access or use of that information.

### **2.1 How is personal information collected?**

Personal information may be collected by a variety of means, including by provision of completed Application Forms for our Schemes, in person, by telephone, letter, facsimile, or email. We may also collect personal information by subscribing to, or purchasing, marketing databases.

### **2.2 Internet and electronic data capture**

PM Capital may use cookies, web beacons or similar technologies to collect de-identified information about your visits to our website [www.pmcapital.com.au](http://www.pmcapital.com.au) ("Website") for the purpose of improving your experience browsing our Website. As an example, should you visit our Website PM Capital may collect information about your operating system, browser type, pages accessed, documents downloaded, any previous visits, any referring website, including dates and times.

If you disable cookies in your browsers our website may not operate as it should.

Our online enquiry form on our Website also collects the personal information you enter. This information is used for the sole purpose of answering your enquiry.

### 3. HOW PERSONAL INFORMATION IS USED AND DISCLOSED

To enable us to provide financial services and products to you, PM Capital may use and disclose personal information collected and stored to its related bodies corporate, external parties and for other related legal purposes. Accordingly, we may need to disclose your personal information to:

- related bodies corporate of PM Capital;
- your financial adviser or your service providers, including your agent, nominated financial adviser or any service provider, with your permission;
- service providers under contract who help with our financial services business operations including archival, auditing, legal, business consulting, banking, payment, delivery, data storage, data processing, data analysis, fund administration, registry, mailing, platform services/ product distributors, marketing, research, investigation, insurance, brokerage, maintenance, website and technology services – where we engage such services providers, our contracts provide that they may only use your personal information in connection with the services they perform for us;
- law enforcement, government agencies or other third parties as required by law (including the Australian Securities and Investments Commission and the Australian Taxation Office), or when we believe that the disclosure of personal information is necessary to prevent harm or financial loss, to report suspected illegal activity or to investigate contraventions of our loan arrangements; and
- credit bureaus, credit reporting agencies and collection agencies: to verify your identity by e-verification, or to obtain information about your source of funds.

#### 3.1 Disclosure to overseas recipients

From time to time, PM Capital may disclose personal information to overseas recipients. These recipients may be in other countries where laws in relation to the processing of personal information are not consistent with the APPs or the Privacy Act.

Nevertheless, under in APP 8 we are generally required to implement reasonable steps to ensure that an overseas recipient does not breach the APPs. In this regard we will enter into an enforceable contractual arrangement with the overseas recipient that requires the recipient to handle the personal information in accordance with the APPs (other than APP 1).

While PM Capital may take steps to try and ensure that these third parties do not breach the APPs in relation to your personal information, the overseas recipient may breach the *Privacy Act* and/or the Privacy Principles and this may be due to that countries own laws.

By providing us with your personal information you accept that we may make disclosures to overseas recipients on this basis.

#### 3.2 Disclosure by approval

We will only use or disclose your information for the particular purpose for which it was collected, unless an exception applies. Exceptions include:

- you have consented to a secondary use or disclosure;
- you would reasonably expect the use or disclosure, and that is related to the primary purpose of collection or, in the case of sensitive information, directly related to the primary purpose;
- the use disclosure of the personal information is required or authorised by or under an Australian law or a court/tribunal order;
- a permitted general situation exists in relation to the secondary use or disclosure of the personal information by the us;
- we reasonably believe that the use or disclosure is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

Under APP 8.27, PM Capital may disclose personal information to an overseas recipient without complying with APP 8.1 where:

- we expressly inform you that if they consent to the disclosure, this principle will not apply, and
- you consent to the disclosure.

### **3.3 Marketing activities**

We may use personal information that we have obtained about you to directly market our insights, or other products or services that may be of interest to you where you have provided us with consent to do so, or where:

- the personal information does not include sensitive information;
- you would reasonably expect us to use or disclose the personal information for that purpose; and
- you have not opted out of receiving direct marketing communication from us.

We will provide a simple means for you to opt-out of receiving direct marketing offers from us. Alternatively, you may also contact our Compliance Officer to request for your removal from any direct marketing communications, free of charge. We will process your request as soon as practicable.

We may also use personal information collected from third parties for the purposes of direct marketing if you have consented, or it is impracticable to obtain your consent. In such cases, we will provide you with the ability to opt-out of these communications.

## **4. PROTECTING YOUR PERSONAL INFORMATION**

PM Capital takes all reasonable steps to protect your personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure using both physical and electronic security measures.

By providing us with your personal information by email, over the Internet, you accept that such information will be transmitted at your own risk as the security of such information cannot be guaranteed.

## **5. RETENTION OF PERSONAL INFORMATION**

As required by APP 11.2, we take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed under the Privacy Act.

Despite this we are further obligated under the Corporations Act (2001) (Cwth) to keep financial records for at least 7 years after the transactions covered by the records are completed. Accordingly, client records are retained for the period required (being at least 7 years) to allow us to satisfy our obligations under the Corporations Act.

## **6. DATA BREACHES**

A data breach is when personal information held by an entity is lost or subjected to unauthorised access, modification, disclosure, or other misuse or interference. Examples of a data breach are when a device containing personal information of clients is lost or stolen, an entity's database containing personal information is hacked or an entity mistakenly provides personal information to the wrong person.

A 'data breach' may also constitute a breach of the Privacy Act, however this will depend on whether the circumstances giving rise to the data breach also constitute a breach of one or more of the APPs, a registered APP code or the Privacy (Credit Reporting) Code 2014 (CR code).

We will take appropriate, prompt action if we have reasonable grounds to believe that a data breach may have or is suspected to have occurred. Depending on the type of data breach, this may include a review of our internal security procedures, taking remedial internal action, and if there is an eligible data breach, notifying the affected individuals and the Office of the Australian Information Commissioner (OAIC).

## 7. ACCESS, CORRECTION AND COMPLAINTS

You may contact PM Capital during normal business hours to request that we provide you with access to any of your personal information held by us. We will endeavour to respond to your request for access to your personal information within 30 calendar days, or as required by law.

You may request access to your personal information, however, access is subject to some exceptions allowed by law. Your right to access may be limited if:

- we believe that giving you access may endanger the life, health or safety of any individual;
- access would have an unreasonable impact on the privacy of others;
- the request is frivolous or vexatious;
- the information relates to commercially sensitive material or decision-making processes;
- access would prejudice enforcement activities relating to criminal activities and other breaches of law, public revenue, a security function or negotiations with you;
- legal dispute resolution proceedings where a third party has given us health information about in confidence;
- denying access is required or authorised by or under law.

You should promptly notify PM Capital if you become aware that any of your personal information held is inaccurate, out-of-date, incomplete, irrelevant or misleading. We can update some information over the phone or via email but in certain instances we may require signed instruction for security reasons.

We do not impose any charges for requesting access to your personal information. However, we may charge an administrative fee for giving you access, which will be dependent on the cost of:

- staff searching for, locating and retrieving the requested information, and deciding which personal information is relevant to the request;
- staff reproducing and sending the personal information;
- the postage and material involved in giving access; or
- using an intermediary, if necessary.

If we propose to charge a fee for giving access, we will give you an estimate of the fee and an opportunity to confirm you still want access to the information. Our fee (if any) will not be excessive.

If you have any concerns about whether PM Capital has complied with this Policy, or the Privacy Act, please contact us as follows:

Compliance Officer  
PM Capital Limited

Address: Level 11, 68 York Street  
Sydney NSW 2000

Email: [PMCapital@PMCapital.com.au](mailto:PMCapital@PMCapital.com.au)  
Telephone: +612 8243 0888  
Fax: +612 8243 0880

Our Compliance Officer will investigate your complaint and advise you of the outcome. If you are not satisfied with our response you can complain to the Office of the Australian Information Commissioner as follows:

The Privacy Commissioner  
Office of the Australian Information Commissioner

Post: GPO Box 5288  
Sydney NSW 2001

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Telephone: 1300 363 992 (within Australia only)  
Telephone: +612 9942 4099 (outside Australia)