



Privacy Policy

Date 1st April 2019

EverForex Financial Pty Ltd
ACN 115 459 124, AFSL 297499
Level 10, 230 Collins Street
Melbourne VIC 3000

1. Introduction

- 1.1. MerchantFX means EverForex Financial Pty Ltd (ACN 115 459 124, AFSL No. 297499, **MerchantFX, Us, We, or Our**). This document sets out how We collect, use and disclose the personal information that We hold about you. We take your privacy very seriously and manage your personal information in accordance with the *Privacy Act 1988* (Cth) and the Australian Privacy Principles (**APPs**).
- 1.2. Personal information refers to information and/or opinion about an identified individual or a person that is reasonably identifiable, regardless whether the information and/or opinion is true or whether it has been recorded in a material form.
- 1.3. Sensitive information includes health information, genetic information, personal information about an individual's racial or ethnic origin, political opinions, political association, sexual orientation or practices or criminal records, biometric information to be used for the purpose of automated biometric verification or biometric identification, and biometric templates.
- 1.4. The types of personal information We may collect and hold include but are not limited to your full name, date of birth, gender, residential address, phone numbers and other contact details such as email and fax numbers, occupation and employment details, credit card and banking information, your financial standing and sources of Wealth.

2. Purposes

- 2.1. We collect, use and disclose your personal information for the primary purpose of providing you with the products and services you request, including establishing your account and the ongoing administration of your account. You have the option to communicate with us anonymously. However, We may not be able to provide you with the requested products and services if you do not provide us with all the requested information.
- 2.2. We may from time to time use your personal information to inform you of products and services that We think may be of interest to you. You can inform us if you wish to stop receiving marketing materials from us at any time.

3. Collection, Use, and Disclosure of Personal Information

- 3.1. We predominantly collect your personal information directly from you. Where it is impracticable to do so, We may collect such information from third parties such as your agents, family members, friends, and any other contacts or affiliates.
- 3.2. We use and disclose your personal information in order to do business with you. For example, We are required under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) and the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)* (Cth) to identify and verify prospective clients before We can provide them with any products or services. We may disclose your personal information to a credit reporting agency for the purpose of verifying your identity to satisfy our AML/CTF obligations.
- 3.3. Other third parties that We may disclose your personal information to include:
- (a) Our hedging counterparties and other business partners to facilitate the provision of products and services to you;
 - (b) Our auditors for the purpose of carrying out an audit or similar processes;
 - (c) Our legal and compliance advisers to ensure we satisfy our regulatory obligations at all times;
 - (d) Your legal, financial advisers and any other agent duly authorised to act on your behalf.
- 3.4. We may also disclose your personal information where required by law or otherwise permitted under the *Privacy Act 1988* (Cth).
- 3.5. We may from time to time use your personal information to inform you about products and services that We think may be of interest to you. You can contact us by using the details in section 8.1 below if you wish to stop receiving further marketing materials from us, and We will remove you from our distribution list within a reasonable period of time. Where an email is used as the marketing medium, you can submit such a request by clicking on the unsubscribe button contained in the email. Opting out of receiving promotional materials will not affect your ability to receive communication from us in relation to your account activities.
- 3.6. Where EverForex receives unsolicited personal information from you, We will determine within a reasonable period of time whether We could have requested such information for the purpose of doing business with you. If We determine that We could not have solicited

such information and if permitted by law, We will destroy such information or ensure the information is stored on a de-identified basis as soon as possible. If the unsolicited information is sensitive information and it is reasonably necessary for Us to obtain the information in order to serve you, We will obtain your consent before retaining it on file.

3.7. Some of our third party providers may be located outside of Australia. We will only disclose your personal information to an offshore recipient once we have taken steps to ensure that the recipient doesn't breach the APPs; you've consented to the disclosure after we have expressly told you that there is no guarantee that the overseas recipient won't breach the APPs; the disclosure of information is required or authorised by or under Australian law or a court/tribunal order.

4. Government Related Identifiers

4.1. EverForex does not adopt or use government related identifiers, such as a person's driver licence number or Medicare card number, as your identifier with Us, unless required or otherwise permitted by law.

5. Information Integrity and Access

5.1. We are obligated to take reasonable steps to ensure that the personal information We hold about you is complete, correct, up to date and not misleading. If we reasonably suspect that any personal information may be out of date, inaccurate or misleading, we will seek to obtain update and/or correction from you. If any of your personal information has changed please ensure that you inform us as soon as possible so We can update the information for you.

5.2. You can request to access your personal information by contacting us using the details provided in section 8.1 below. We will endeavour to provide you with the requested information free of charge in a timely manner. We may impose a small fee to cover the retrieval related costs where applicable.

5.3. We may be unable to disclose the requested personal information to you and/or make any requested changes in certain circumstances, including but not limited to the following:

(e) When We reasonably believe that doing so may pose a serious threat to any individuals or the safety of the general public;

- (f) Doing so may unreasonably affect the privacy of another person;
- (g) We are obligated under ~~an~~ applicable law (such as the AML/CTF laws) to refrain from making such disclosure;
- (h) When legal proceedings between you and Us are either anticipated or already on foot.

5.4. We will provide you with the reasons when we decide not to provide and/or correct the requested personal information where appropriate.

5.5. We take your personal information very seriously. We have implemented both security measures and internal procedures to guard your personal information from misuse, interference, and loss, and from any unauthorised access, modification, and disclosure.

5.6. Security measures include encryption, firewalls and virus and intrusion detection software, ongoing monitoring of Our network and data storage facilities, onsite cameras and alarm systems.

5.7. Our internal procedures ensure that only personnel who require access to your personal information in order to perform their job functions are granted access. Each staff member has their own system access credentials and access card which cannot be shared among different individuals. Staff access is also subject to security monitoring.

6. Cookies

6.1. Cookies are small files that our Website may request to install on your computer either on a temporary or permanent basis for the purpose of tracking website traffic and your preferences. The information collected via these cookies will not be used to identify you and may include your IP address, operating system, browsers used and your behaviour patterns while you are visiting ~~on~~ our Website.

6.2. You may choose to accept or block cookies on our Website. Please note that our website may not fully function without these cookies.

7. Third Party Websites and Facilities

7.1. We may provide you with access to third party Websites and other facilities in the course of doing business with you. We have no control over these Websites or facilities and it is your responsibility to ensure that you review their privacy policies.

8. Contact and Complaints

8.1. Please contact us directly if you wish to make [inquiries](#) regarding our privacy policy, access and/or update your personal information. Our contact details are as follows:

Phone	1800 517 208
Email	support@everforex.com
Post	Privacy Officer MerchantFX Pty Ltd Level 10, 230 Collins Street Melbourne VIC 3000

8.2. We encourage you to contact us directly if you are unsatisfied with how We have handled your personal information. Please provide as much information as possible and supply the relevant supporting documents to assist us with our investigation. We endeavour to provide you with a resolution within 30 days from the receipt of a privacy-related complaint. We will inform you in the event that We need longer than 30 days to resolve an issue.

8.3. If you are unsatisfied with how We have handled your complaint, you can contact the Office of the Australian Information Commissioner on the following details:

Phone	1300 363 992
Email	enquiries@oaic.gov.au
Fax	+61 2 9284 9666
Post	Office of the Australian Information Commissioner GPO Box 5218 Sydney NSW 2001