

# Integrity Trust Expertise The Fiducian Way



## Privacy Policy

**Fiducian Group Limited**  
Level 4, 1 York Street, Sydney

February 2024

## Control Sheet

<b>Policy</b>	Privacy Policy
<b>Version</b>	4.0
<b>Entity</b>	Fiducian Group Limited
<b>Date Effective</b>	22 February 2024
<b>Approved By</b>	The Board of Fiducian Group Limited
<b>Review Requirement</b>	At least every three years or as required by law.

<b>Modifications</b>			
<b>Version</b>	<b>Date of Modification</b>	<b>Brief Description of Modification</b>	<b>Approved By</b>
1.0	September 2015	Review from FPSL Group Policy	FGL Board – September 2015
2.0	November 2017	Modifications arising from the implementation of mandatory data breach notification regime	FGL Board - 23 November 2017
3.0	February 2021	Review and update	FGL Board – 25 February 2021
4.0	February 2024	Review and update	FGL Board – 22 February 2024

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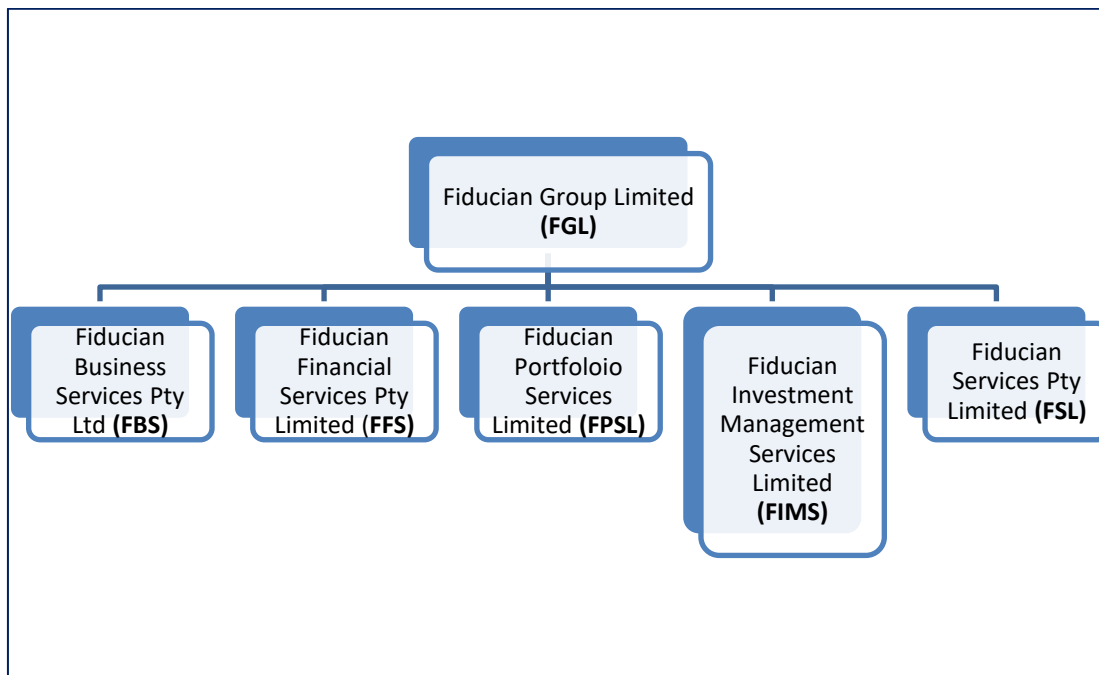
# 1 OVERVIEW, REGULATORY FRAMEWORK AND DEFINITION

## 1.1 Organisational context

1.1.1 Fiducian Group Limited (ABN 41 602 423 610) (**FGL**) has the following wholly owned subsidiaries (collectively known as the Fiducian Group):

- (a) Fiducian Portfolio Services Limited (**FPSL**) – trustee for registered superannuation entity of Fiducian Superannuation Service regulated by the Australian Prudential Regulatory Authority (**APRA**).
- (b) Fiducian Financial Services Pty Ltd (**FFS**) ABN 46 094 765 134 (AFSL No. 231103) – provider of wealth management and financial planning services through its network of franchisees and employed financial planners;
- (c) Fiducian Investment Management Services Limited (**FIMS**) ABN 28 602 441 814 (AFSL No. 468211) – provider of funds management and investment services, including wrap platforms (Fiducian Investment Service) and also responsible entity of a suite of registered managed investment schemes known as the Fiducian Funds and the Fiducian SMA Fund;
- (d) Fiducian Business Services Pty Ltd (**FBS**) ABN 16 063 433 367 – provider of business development and distribution services to related companies of the Fiducian Group; and
- (e) Fiducian Services Pty Limited (**FSL**) ABN 41 602 437 892 – provider of information technology solutions and administrative services to administer superannuation and investment service platforms used by FFS financial advisers and independent financial advisers. FSL also provides administrative services for the Fiducian Group such as platform administration, legal, finance, human resources, marketing, risk & compliance, and distribution support services.

1.1.2 The Fiducian Group is a specialist financial services organisation providing financial planning, funds management, investment platform administration, information technology and business development & distribution services.



## 2 INTRODUCTION

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### 2.1 Background

- 2.1.1 Fiducian respects your right to privacy and protecting your personal information. We are bound by the Australian Privacy Principles (APPs) in the Privacy Act 1988 (Commonwealth). Our staff are trained to respect your privacy in accordance with our standards, policies and procedures.
- 2.1.2 This Policy is in respect of the Fiducian Group Limited and its subsidiaries: Fiducian Portfolio Services Limited (ABN 13 073 845 931); Fiducian Investment Management Services (ABN 23 602 441 814) Fiducian Financial Services Pty Ltd (ABN 46 094 765 134), Fiducian Services Pty Ltd (ABN 41 602 437 892) and Fiducian Business Services Pty Ltd (ABN 16 063 433 367) (collectively “Fiducian”). It includes all our activities such as funds management, financial planning, trustee of a superannuation fund, investment services, administration and advice, life risk insurance, investment life insurance product advice and financial data processing.

### 2.2 About this Privacy Policy

- 2.2.1 This Privacy Policy outlines how we manage your personal information.
- 2.2.2 It also describes generally the sorts of personal information and sensitive information held and for what purposes, and how that information is collected, held, used and disclosed.

## **3 COLLECTION OF INFORMATION**

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### **3.1 The information we collect**

- 3.1.1 Personal information is information or an opinion that can be used to identify you, whether true or not and whether the information or opinion is recorded in a material form or not. The types of personal information we collect can be found in the questions we ask and in the forms we provide for you to complete.
- 3.1.2 We collect personal information on your contact details, date of birth, details about your occupation, employer, your Tax File Number and financial situation. We may also collect sensitive information, for example, your medical and lifestyle information for risk insurance protection. We do not use or share that information for any purpose other than that for which the information is collected or approved by you, unless otherwise disclosed to you when the information is collected.
- 3.1.3 We do not collect information about your political or religious beliefs, or ethnic background unless it is required for a purpose specifically disclosed to you at the time of collection.

### **3.2 How we collect information**

- 3.2.1 We collect most personal information direct from you or through your financial planner. For example, when you complete or help to complete a client questionnaire (which is required before we can prepare a statement of advice), or when you fill in an application form, notify a change of address, deal with us or your financial planner over the telephone, send us or your financial planner a letter, visit our web site or meet with your financial planner.
- 3.2.2 In certain cases, we collect your personal information from other sources. For example, personal information may be given by your employer in relation to membership of a corporate superannuation fund or from a family member who nominates you as a beneficiary to their assets. We will take reasonable steps to let you know that we have the information. This may include asking the person who gave us your information to let you know that we have it.

### **3.3 If you provide incomplete or inaccurate information**

- 3.3.1 We only collect personal information about you that is necessary to perform our functions and activities. If you do not provide this information or provide incomplete or inaccurate information, we may not deal with you or otherwise we may not be able to provide you with the products or services you are seeking.

### **3.4 How information is used**

- 3.4.1 We collect personal information to provide you with and to administer products and services you request (including financial planning and advice).
- 3.4.2 Personal information may be used and disclosed within Fiducian to develop suitable financial planning strategies, administer our products and services, and as well as for prudential and risk management purposes. This includes disclosure to, and use by, a custodian who will hold your assets in safe keeping for you.

3.4.3 The information may also be used to:

- (a) tell you about products and services or recommend financial investments (unless you have asked us not to);
- (b) maintain your relationship with us and with your financial planner; and
- (c) comply with legislative and regulatory requirements - this may include making certain records available for inspection by the Australian Securities and Investments Commission, Australian Prudential Regulatory Authority, Australian Taxation Office and AUSTRAC.

### **3.5 Direct marketing**

3.5.1 We may use your personal information to directly market to you, tailored content or informing you about promotions, products and services that may be of interest or relevance to you. If you prefer not to receive such communications, you may opt out at any time by contacting our Client Services Team at [info@fiducian.com.au](mailto:info@fiducian.com.au) or using the unsubscribe link included in marketing messages we send to you.

### **3.6 Tax file numbers or other government identifiers**

3.6.1 We only use and disclose your tax file number or other government agency identifier for the purposes required by law, such as disclosing your TFN to the Australian Taxation Office

### **3.7 Anonymity and pseudonyms**

3.7.1 You have the option to remain anonymous or use a pseudonym when dealing with us; however, this may limit the extent, suitability or appropriateness of the information or services we provide you. In certain cases, it may not be possible for us to assist you should you wish to remain anonymous or use a pseudonym.

## 4 DISCLOSURE OF INFORMATION

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### 4.1 Disclosure to third parties

4.1.1 We only disclose your personal information to third parties with your express or implied consent, or where we are otherwise entitled or required to do so by law, or for the delivery of the product or service requested by you. The types of third parties we may disclose your personal information to include:

- (a) our agents, contractors and external advisers who carry out some of our functions and activities;
- (b) any person acting on your behalf, or nominated by you to receive certain information, including your financial planner, broker, solicitor or accountant (unless you tell us not to);
- (c) the Australian financial services licensee with whom your financial planner is associated;
- (d) another financial planner within the Fiducian Group to ensure continued service if your financial planner is unavailable for any reason;
- (e) your executors, administrator, trustee, guardian or attorney;
- (f) regulatory bodies, government agencies, law enforcement bodies, courts and other parties we are authorised or required by law to disclose information to;
- (g) any person who introduces you to us;
- (h) any financial institution nominated by you - for example in a direct debit;
- (i) external product providers for which we act as agents or which provide products and services in conjunction with us;
- (j) auditors;
- (k) insurers, including proposed insurers;
- (l) claims assessors and investigators, claims managers, and reinsurers;
- (m) medical practitioners;
- (n) external dispute resolution bodies (such as the Australian Financial Complaints Authority); and
- (o) outsourcing arrangements as mentioned below.

### 4.2 Outsourcing

4.2.1 We may disclose personal information to external organisations that help us provide services. For example, we may outsource financial data processing, as nominated by you in a Service Request. We may provide names and addresses to a mailing house to mail account statements to you and other clients. We may also seek expert help from time to time to improve our IT systems and communication delivery method. We outsource aspects of administration of our life risk insurance business. We also outsource our asset holding activities to a custodian. These organisations are bound by confidentiality arrangements.

4.2.2 In engaging in the above outsourcing arrangements, it may be necessary for us to disclose personal information to a service provider that is located outside Australia.



4.2.3 Service providers are required to take reasonable steps to protect personal information from unauthorised use or disclosure and to comply with Australian Privacy Principles (APPs). Where we propose to use a service provider in a foreign jurisdiction that does not have privacy laws that are substantially similar to the APPs, we will either seek your consent to disclose your personal information to that service provider or impose contractual requirements on the foreign service provider that are substantially equivalent to the APPs.

### 4.3 Breach response and notification of data breach

4.3.1 Should Fiducian hold reasonable grounds to believe that:

- (a) there has been unauthorised access to or disclosure of personal, credit or tax file number information (**Relevant Information**); or
- (b) Relevant Information is lost;

and a reasonable person would conclude that the unauthorised disclosure or loss of Relevant Information is likely to result in serious harm to any individual to whom the information relates (**Eligible Data Breach**), then we are required to notify both the Office of the Australian Information Commissioner (**OAIC**) and those individuals who have had their information compromised.

4.3.2 Serious harm may include serious physical, psychological, emotional, economic and financial harm, as well as serious harm to reputation and other forms of serious harm that a reasonable person in Fiducian's position would identify as a possible outcome of the data breach. There may be circumstances where a person may be distressed or otherwise upset at an unauthorised access to or unauthorised disclosure or loss of personal information, this would not itself be sufficient to require notification unless a reasonable person in Fiducian's position would consider that the likely consequences would constitute a form of serious harm.

4.3.3 Fiducian will notify the OAIC and any affected individuals as soon as practicable after it becomes aware of an Eligible Data Breach. Fiducian will do so by preparing a statement that details its identity and contact details, a description of the Eligible Data Breach, the kind or kinds of information concerned and the recommended steps for individuals to take in response to the breach.

4.3.4 If it is impractical to notify all affected individuals, Fiducian may publish a statement on its website and take reasonable steps to publicise the content of the statement.

4.3.5 Should Fiducian suspect an Eligible Data Breach, then it will carry out an assessment of whether there are reasonable grounds to believe an Eligible Data Breach has occurred, which will be consistent with Fiducian's Breach and Incident Policy.

4.3.6 Fiducian is not required to provide notice to a person if remedial action prevents any serious harm occurring from the breach.

## 5 CONSENT AND CAPACITY

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### 5.1 Capacity to Consent

5.1.1 Where your consent, whether express or implied, is required for the collection, use, handling or disclosure of your personal information, and Fiducian has reasonable grounds to believe that you may not have the capacity to give such consent because:

- (a) you are under the age of 18;
- (b) you have a physical or mental disability;
- (c) you are temporarily or permanently incapacitated (for example, a temporary psychiatric illness, in severe distress or suffering dementia); or
- (d) your capacity to give consent has been impaired in some other way,

then we may take one or more of the actions listed under clauses 5.2 and 5.3 to address the issue(s) to enable you to have capacity to consent.

### 5.2 Minors

5.2.1 Subject to 5.2.2 below, we will determine on a case-by-case basis whether an individual under the age of 18 has the capacity to consent, and may consider if someone can act on their behalf, such as:

- (a) a guardian;
- (b) someone with an enduring power of attorney; or
- (c) a person recognised by other relevant laws, for example, a 'person responsible' under the Guardianship Act 1987 (NSW) (this may be an individual's spouse, partner, carer, family member or close friend).

5.2.2 If it is not practicable or reasonable for us to assess the capacity of individuals under the age of 18 on a case-by-case basis, we may presume that an individual aged 15 or over has capacity to consent, unless there is something to suggest otherwise. An individual aged under 15 is presumed not to have capacity to consent.

### 5.3 Impaired Capacity

5.3.1 We will, to the extent practicable in the circumstances, ensure that privacy issues are discussed with individuals who have impaired decision-making capacity in a way that is understandable and comprehensible.

5.3.2 We may:

- (a) provide them with alternative communication methods;
- (b) consider if someone can act on their behalf, such as:
  - (i) a guardian;
  - (ii) someone with an enduring power of attorney;

- (iii) a person recognised by other relevant laws, for example, a 'person responsible' under the Guardianship Act 1987 (NSW) (this may be an individual's spouse, partner, carer, family member or close friend); or
  - (iv) a person who has been nominated in writing by the individual while they were capable of giving consent; or
- (c) consider whether we can provide any other appropriate support for the individual to enable them to have capacity to consent.

## **6 GENERAL MATTERS**

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### **6.1 Keeping information up-to-date**

- 6.1.1 Our aim is to ensure that the personal information we hold is accurate, complete and up-to-date. Please tell your financial planner or us if any of your details change. Please also tell your financial planner or us if you believe that the information we have about you is not accurate, complete or up-to-date.

### **6.2 Keeping information secure**

- 6.2.1 We take all reasonable steps to protect your personal information from misuse and loss and from unauthorised access, modification or disclosure.
- 6.2.2 We have physical, electronic and procedural safeguards to protect your information that is held by us. For example, your personal information is stored in secured office premises, in electronic databases requiring logins and passwords for access and at secured offsite storage facilities. Access to information stored electronically is restricted to staff whose job requires access.

### **6.3 We destroy information we no longer need**

- 6.3.1 We will destroy personal information if it is no longer needed:
- (a) for the purposes for which it was collected; or
  - (b) for the purposes of meeting legal requirements.
- 6.3.2 We will properly dispose of all paper files, letters, correspondence and any other hardcopy documents that contain personal information that is no longer needed.
- 6.3.3 We use secure methods to destroy or de-identify any personal information as soon as the law permits, provided the information is no longer needed by us for any purpose. Ordinarily, information about a particular account, is maintained for at least seven years, or as otherwise required by law.

### **6.4 You can request details and correction of your information**

- 6.4.1 You can ask us to give you access to the personal information we hold about you and if applicable, you can seek correction of your information.
- 6.4.2 We are permitted under the Privacy Act to deny or limit access to your information in certain circumstances, but if this happens, we will give you the reasons why we have not given the access to you.
- 6.4.3 We may charge a fee for processing your request if we spend time on locating, collating and explaining the information, or incur copying costs or out-of-pocket expenses such as freight or travelling costs to obtain the information. This fee will enable us to recover our costs.

- 6.4.4 We ask that you please notify us if your information is not correct, as we want our records to be up to date, accurate and complete. From time to time, we may update your personal information if we believe it to be incorrect or incomplete, and we may seek to do this by gathering sources of information from public or governmental records and other organisations.

## 6.5 Resolving Privacy Issues

- 6.5.1 If you have any privacy concerns, you may raise those with your financial planner or directly to us by:

- (a) writing to: Privacy Officer  
Fiducian Services Pty Limited  
GPO Box 4175, Sydney NSW 2001
- (b) email at: [info@fiducian.com.au](mailto:info@fiducian.com.au)
- (c) telephone: 1800 653 263

we will then respond to your concerns within a reasonable timeframe, in accordance with our Complaints Handling process, which you may access on our website.

- 6.5.2 If an issue has not been resolved to your satisfaction, you can lodge a complaint with the Australian Financial Complaints Authority (AFCA), an independent external dispute resolution scheme as follows:

- (a) visiting: [www.afca.org.au](http://www.afca.org.au)
- (b) email at: [info@afca.org.au](mailto:info@afca.org.au)
- (c) writing to: Australian Financial Complaints Authority  
GPO Box 3  
Melbourne VIC 3001
- (d) telephone: 1800 931 678

- 6.5.3 Should AFCA be unable to resolve your concerns then contact the Office of the Australian Information Commissioner (OAIC), who is responsible for the regulation of privacy under the *Privacy Act 1988* as follows:

- (a) visiting: [www.oaic.gov.au](http://www.oaic.gov.au)
- (b) writing to: Office of the Australian Information Commissioner  
GPO Box 5218  
Sydney NSW 2001
- (c) telephone: 1300 363 992

## 6.6 How to request access or seek correction of information

- 6.6.1 A request for access to personal information or correction of your personal information may be made to your financial planner or direct to us by:

- (a) writing to: Privacy Officer  
Fiducian Services Pty Limited  
GPO Box 4175, Sydney NSW 2001
- (b) email at: [info@fiducian.com.au](mailto:info@fiducian.com.au)
- (c) telephone: 1800 653 263

## 6.7 Changes to our privacy and information handling practices

- 6.7.1 We may amend our privacy and information handling practices from time to time. We will notify you of any of the changes to our policy that requires your consent before being implemented.

## 6.8 Collection Notice

- 6.8.1 This Privacy Policy also satisfies our obligations under APP 5 to provide a Collection Notice.