



Privacy and credit reporting policy



CAPITAL FINANCE

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Capital Finance Australia Limited (ABN 23 069 663 136, Australian Credit Licence 393031) ("**Capital Finance**") will ensure that personal information held about you is handled in accordance with the *Privacy Act 1988* (Cth) ("**Privacy Act**"), including the Australian Privacy Principles ("**APPs**"), Part IIIA of the Privacy Act and the Credit Reporting Privacy Code ("**CR Code**"). The personal information we collect about you, and how we use or disclose that personal information, depend largely on the products and services that you have selected.

This Privacy and Credit Reporting Policy ("**Policy**") applies to the personal information of both our current and former customers, individuals we may deal with such as guarantors, directors and shareholders of our customers and other individuals we may deal with as part of our business. This Policy tells you how your personal information is collected, held, used, disclosed and protected by us.

Unless stated otherwise in this Policy, a reference to the words "we", "our" or "us" in this Policy is a reference to Capital Finance.

For our customers located in the European Union

From 25 May 2018, the General Data Protection Regulation (**GDPR**) regulates the processing of personal information under European Union (**EU**) law. The GDPR aims to protect the information relating to individuals in the EU and harmonise data protection laws across EU Member States.

Our collection, use, disclosure and processing of your personal information is regulated by the GDPR if:

- we offer products or services to you whilst you are located in the EU; or
- we monitor your behaviour whilst you are located in the EU.

As part of the Westpac Group of companies, Capital Finance is committed to and adopts as its own, the EU Data Protection Policy on the Westpac website (westpac.com.au/privacy/eu-data-protection-policy/) as to how Capital Finance will manage your personal information under the GDPR.

What is personal information?

“Personal information” includes any information or opinion about an identified individual, or an individual who can be reasonably identified from their information. The information or opinion will still be personal information whether it is true or not and regardless of whether we have kept a record of it.

In this Policy, “personal information” is also a reference to consumer credit-related information, including:

- “credit information”, which is information that has a bearing on credit that has been provided to you or that you have applied for, including credit for personal, domestic or household purposes and credit in connection with a business (such as your identification details, information about your account, whether it is open or closed and the relevant dates, the type (such as a lease or loan) and amount of credit, and your repayment history information, such as whether you have made, or missed, a payment on your credit facility); and
- “credit eligibility information”, which is information disclosed to us by a credit reporting body about you or information we derive from it about you.

Information we may collect, use and disclose about you

The types of personal information we collect, hold, use and disclose about you include:

- identity and contact details of you and your referees (such as your residential and business address), your employment and occupation details;
- your date of birth, marital status and number of dependents;
- your financial circumstances and credit history details;
- details of your assets and liabilities;
- products and transactions you may have with us, our related bodies corporate (being Westpac Banking Corporation (ABN 33 007 457 141) and its related bodies corporate) (“**Westpac Group**”) or our third party service providers;
- your product or service preferences;
- other details relating to your relationship with us, including if we deal with you in a capacity other than a customer; and
- government identifiers such as your Australian Business Number, Medicare card number, pension card number, your

driver's licence number and tax file number. (We will not adopt government identifiers as our own. If we do collect these, we will use them only for identification purposes.)

If you deal with us in circumstances that involve the provision of credit, we may also collect and hold various types of credit-related information about you, including:

- that you have applied for consumer or commercial credit (including the name of each relevant credit provider), the type and amount of that credit and that we have accessed your consumer credit information to assess a relevant application;
- that we and other credit providers are or have been a provider of credit to you and the type, characteristics and maximum amount of credit that we have provided or will provide;
- the date that any credit contract we or other credit providers have or had with you was entered into and the date that it is terminated or otherwise ceased;
- your repayment history in relation to credit facilities provided by us or other credit providers (for example, if you have made payments when due and if not, when overdue payments have been made);
- payments owed to us or another credit provider, in connection with credit provided to you or in relation to which you are a guarantor, overdue for more than 60 days (and if you subsequently repay any such overdue payment, the fact of that repayment);
- whether in our or another credit provider's opinion you have committed a serious credit infringement;
- whether you have entered into arrangements with us or other credit providers in connection with credit provided to you;
- court proceedings information, personal insolvency information and credit-related publicly available information;
- scores, ratings, summaries, evaluations and other information relating to your credit worthiness which is derived by us or by credit reporting bodies wholly or partly on the basis of the information above; and
- certain administrative information relating to credit, such as account and customer numbers.

Collection of sensitive information

The collection of “sensitive” information is restricted by the Privacy Act. Generally, we only collect sensitive information if it is necessary to provide you with a specific product or service and you have consented to that collection. Sensitive information includes information such as:

- racial or ethnic origins;
- political opinions or memberships;
- professional or trade union memberships;
- religious beliefs;
- philosophical beliefs;
- sexual orientation or practices;
- criminal records;
- health information; and
- biometric information and templates.

How personal information is collected

In many circumstances we will collect your personal information directly from you, including when you talk to us on the phone, fill out one of our applications or other form and when you send us an email using one of the links or forms from our website.

The personal information we collect about you from our website depends on how you use our website, but is generally limited to the detail you enter within the form on our website, your email address and the contents of any electronic message you may send to us. Personal information collected from our website will only be used for the purpose for which you have provided it and it will not be added to a mailing list or used for any other purpose without your consent. If you would like to know more about our website terms and conditions and cookies policy, please visit www.capitalfinance.com.au.

However in some circumstances, in order to provide the products and services you have selected or for other purposes noted in this Policy, we may need to obtain personal information about you from others. This may happen without your direct involvement. The circumstances when we may need to do this might include where we need further information to assist us to process your application, or to verify

the information you have provided to us or to assist us with locating or getting in contact with you. For example, we may collect personal information about you from:

- other members of the Westpac Group;
- publicly available sources of information, such as public registers;
- your representatives (including your legal advisor, accountant, mortgage broker, financial advisor, executor, administrator, guardian, trustee, or attorney);
- your employer (for example, to confirm your employment and income details);
- your real estate agent (for example, to confirm your income received on an investment property);
- other organisations, who jointly with us, provide products or services to you;
- commercial information service providers, such as companies that provide fraud prevention reports; and
- insurers, re-insurers and health care providers.

Where relevant, we may also contact credit reporting bodies and other credit providers to obtain information about you relevant to us providing products or services to you or to our relationship with you. We may also collect information that is derived by us from your usage and (if applicable) repayment of any account held with us or other credit provider associated with us.

Purposes for which we may collect, hold, use and disclose your personal information

We collect, hold, use and disclose personal information about you to the extent reasonably necessary for the purposes of your dealings with us, conducting our business or as permitted by law.

Our collection, use and disclosure of personal information about you depend on:

- which of our products or services you use or have used;
- your relationship with our business (as a customer or in any other capacity); and
- our obligations at law.

The purposes for which we may collect, use and disclose your personal information may include:

- deciding whether to provide you, or an entity associated with you, with credit or to accept you as a guarantor;
- providing products or services that you have selected;
- servicing and managing products and services that are provided to you or other relationships and arrangements in relation to:
 - those products and services that we provide (including managing credit we may provide and assisting you to meet your credit-related obligations); or
 - our business;
- assessing, establishing and administering any credit related insurance product (including, if applicable, assessing your application for insurance);
- determining whether the products or services we are providing to you are suitable for your purposes;
- deriving scores, ratings and evaluations relating to your credit worthiness which we use in our decision-making processes;
- participating in the credit reporting system and providing information to credit reporting bodies as permitted by Part IIIA of the Privacy Act and the CR Code;
- processing payments and invoices as well as attending to our internal accounting and administration requirements;
- assisting us to identify you and the products or services (which we, the other members of the Westpac Group or our business partners offer) that you have used or are currently using;
- dealing with complaints;
- administering any other arrangements or dealings that you have with us (not only as a customer but also where we deal with you in any other capacity);
- meeting domestic or foreign legal and regulatory reporting and compliance requirements; and
- undertaking debt recovery and enforcement activities, including in relation to guarantors, and to deal with serious credit infringements as well as assisting other credit providers to do the same.

If you do not provide us with your personal information, we may not be able to provide you with the products or services you are seeking or assist you with other inquiries or matters.

We will not use or disclose your personal information for a purpose unrelated to the matters referred to in this Policy unless:

- we are required or authorised to do so by law or where we have a public duty to do so; or
- you have expressly consented to us disclosing the personal information which we hold about you or your consent may be reasonably inferred from the circumstances.

Australian laws which require or authorise us to collect personal information

Various Australian laws may require or authorise us to obtain information about you, such as:

- the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth), *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007* (No.1) (Cth) and other anti-money laundering legislation (for example, for identity verification);
- the *National Consumer Credit Protection Act 2009* (Cth) (for example, if you have applied for credit or provide a guarantee, to collect certain information about your financial position);
- the *Personal Property Securities Act 2009* (Cth) (for example, if relevant, for search and registration purposes);
- the *Financial Sector (Collection of Data) Act 2001* (Cth) and other regulatory legislation (for example, requiring us to maintain client and transaction records, to provide information relating to loans to the Australian Prudential Regulation Authority and to make reports and provide other information to regulators); and
- the *Taxation Administration Act 1953* (Cth), the *Income Tax Assessment Act 1936* and *1997* (Cth) and other taxation laws and regulations (for example, to comply with information requests issued by the Commissioner of Taxation).

Marketing and disclosure to Westpac Group and Business Partners

In addition to the above, the purposes for which we may collect, use and disclose your personal information may include:

- keeping you informed of other products or services (including third party products and services, webinars, special offers and promotions) that we think may be of interest to you;
- determining whether the products or services we may provide to you are suitable for your purposes; and
- allowing the other members of the Westpac Group and our third party service providers to more efficiently provide or manage the products and services that have been made available to you.

We may send you marketing communications (including by phone, electronic message, e-mail or other electronic means, such as through social media or targeted advertising through the Westpac Group or non-Westpac Group websites) for these purposes. You may ask us at any time to stop sending you marketing communications by contacting us on 1300 300 309 and we will comply with your request within a reasonable period.

We may also share your Personal Information with the other members of the Westpac Group and our business partners for their marketing purposes. You may ask us at any time to stop doing this by contacting us on 1300 300 309 and we will comply with your request within a reasonable period.

Disclosure of personal information to third parties

If permitted under the Privacy Act, your personal information may be shared with the other members of the Westpac Group and other external entities for the purposes set out in this Policy.

To provide our products and services to you or otherwise manage dealings we have with you, we may need to interact with third parties or disclose your personal information to them. In addition, if you have been introduced to us by a third party (e.g. the broker or dealer), that party will also have access to some personal information about you. For example, we may share your personal information with:

- in addition to the initial broker or dealer that introduced you to us, other brokers or dealers;

- your representatives (including your legal advisor, mortgage broker, financial advisor, accountant, executor, administrator, guardian, trustee, or attorney);
- solicitors, financial advisors and accountants;
- data processing, storage and other technology service providers;
- valuers;
- call centre operators;
- payment systems operators;
- direct mailing companies;
- security registration bodies;
- record microfilming and archiving services;
- authorised representatives and credit representatives who sell products and services on our behalf;
- other organisations, who jointly with us, provide products or services to you;
- other persons who have an interest in any property offered to us as security;
- guarantors or proposed guarantors for the purpose of them considering whether to offer to act as guarantor, as required by the Australian Banking Association's Banking Code of Practice or otherwise as permitted by law;
- other financial services organisations (including banks, superannuation funds, stockbrokers, custodians, funds managers and portfolio service providers);
- debt collection agencies and mercantile agents;
- fraud bureaus or other organisations to identify, investigate or prevent fraud or other misconduct;
- external dispute resolution schemes; and
- regulatory bodies, government agencies and law enforcement bodies in any jurisdiction.

In addition, where the Privacy Act permits it, we may disclose your personal information to credit reporting bodies for the purposes contemplated by this Policy (for example, when obtaining credit reporting information about you).

Disclosure by the Westpac Group to overseas regulators

Your personal information may be disclosed by us or the other members of the Westpac Group:

- where required to comply with any laws binding upon the Westpac Group;
- to the extent required or permitted by any domestic or foreign applicable law, rule or regulation regarding reporting and/or retention of personal information; or
- to the extent required by any order or directive regarding reporting and/or retention of personal information issued by any domestic or foreign authority, body or agency in accordance with which any member of the Westpac Group is required or accustomed to act.

As some members of the Westpac Group are providers of financial services, the Westpac Group has obligations to disclose some personal information to government agencies and regulators in Australia, and in some cases offshore.

Quality and correction of personal information

Personal information which we hold about you is integral to the decisions we make about our products and services which we provide. We take such steps as are reasonable in the circumstances to ensure that your personal information is accurate and up-to-date whenever we collect or use it.

You have a right to request correction of any personal information (including credit information or credit eligibility information) we hold about you that is inaccurate, incomplete, out-of-date, irrelevant or misleading.

You can make a correction request by contacting us on 1300 300 309. There is no fee for requesting that your personal information be corrected or for us to make corrections. We will respond to your request to correct the personal information that we hold about you within a reasonable time.

We will use all reasonable efforts to correct the personal information we hold about you and we also have obligations to notify certain prior recipients of such a correction. If we do not agree to your request for correction, to the extent reasonable, we will let you know the reasons why and

provide you with information on how you can complain about the refusal. You also have the right to request that a statement be associated with your personal information noting that you disagree with its accuracy.

Access to personal information

You are welcome to request access to the personal information (including credit eligibility information) we hold about you by contacting us on 1300 300 309. If we deny your request for access to the personal information we hold about you, we will give you a notice explaining our reasons except where it would be unreasonable to do so.

We will respond to your request to correct or access the personal information that we hold about you within a reasonable time, usually within 30 days.

You may not be able to access all information we hold about you. There are some exemptions at law which will impact our ability to provide you with access to all of the personal information we hold about you all of the time. For example:

- where access to the personal information would have an unreasonable impact on the privacy of others;
- if the request is frivolous or vexatious;
- where there are existing or anticipated legal proceedings and the information is “privileged”;
- in some instances the access can be denied under law or by a law enforcement agency; or
- where the information would reveal evaluative information in connection with a commercially sensitive decision-making process.

Given the nature of the personal information that we hold, we will need to verify the identity of anyone requesting access to personal information to make sure that we do not provide personal information to a person or persons not entitled to it.

There is no fee for lodging a request for access. In processing your request for access to your information, a reasonable cost may be charged. This charge covers costs such as for locating, retrieving and preparing the requested information and supplying it to you. Before we act on your access request, we will give you an estimate of how much this service will cost and ask you to agree before proceeding.

Disclosure of personal information offshore

Where the Privacy Act permits it, we may disclose the personal information we hold about you outside Australia for the purposes referred to in this Policy. Some of the recipients to whom we disclose your personal information may be based overseas. It is not reasonably practicable to list every country to which your information may be transmitted from time to time but overseas recipients may include:

- Westpac Group companies located in China, India, Singapore, New Zealand, United Kingdom and United States; and
- Westpac Group's service providers which are likely to be located in New Zealand, Canada, United States, India, the Philippines and China.

Security and how your personal information is held by us

We will safeguard the personal information we handle about you by taking such steps as are reasonable in the circumstances to protect your personal information from misuse, loss, unauthorised access, modification, interference and disclosure, both internally and externally.

We may store your personal information:

- in paper files; or
- electronically on our computer systems and in secure data centres which are owned by either members of the Westpac Group or our third party service providers.

We use a range of physical and electronic security measures to protect the security of the personal information we hold.

For example:

- access to information systems is controlled through identity and access management;
- our employees are bound by internal information security policies and are required to keep information secure;
- our employees are required to complete training about information security; and
- we regularly monitor and review our compliance with internal policies.

We require all third party service providers, which we use to assist us in providing products and services to you and

who have access to the personal information that we hold about you, to enter into a formal agreement with us restricting them from using your personal information other than for the specific purpose for which we supply it.

As required by the Privacy Act, we will take reasonable steps to ensure that any personal information collected that is no longer required for a permitted purpose will be destroyed or permanently de-identified.

Complaints and dispute resolution

If you believe that we have not complied with our obligations under the Privacy Act (including those under Part IIIA of the Privacy Act) or the CR Code in relation to the way in which we manage personal information about you, you can make a complaint to the Privacy Officer via the contact details listed below.

You will receive an acknowledgement of receipt of your complaint from us as soon as reasonably practicable after we receive it and in any case within 7 days after receipt. We will let you know if we need any further information from you to resolve your complaint.

We investigate all complaints and will respond to you as soon as reasonably practicable. We aim to resolve your complaint within 30 days after we receive your notice. If we cannot resolve your complaint within this period we will write to you notifying you as to the reasons why, specifying when we expect the matter to be resolved and seeking your agreement to extend the 30 day period. If you do not agree with this extension of time we may not be able to resolve your complaint.

If you are unhappy with our response, you can contact our Westpac Group Customer Advocate who can conduct an independent review of your matter.

Our Customer Advocate can be contacted at **customeradvocate@westpac.com.au**

Under the Privacy Act, you may complain to the Office of the Australian Information Commissioner (OAIC) about the way we handle your personal information. Please note the OAIC requires any complaint must first be made to the respondent organisation. The law also allows 30 days for the respondent organisation to deal with the complaint before a person may make a complaint to the OAIC.

- The Commissioner can be contacted at:

Office of Australian Information Commissioner

GPO Box 5218

Sydney NSW 2001

Phone: 1300 363 992

Email: enquiries@oaic.gov.au

www.oaic.gov.au

The Australian Financial Complaints Authority can consider certain privacy complaints relating to either the provision of credit or credit reporting information in general. If you are not satisfied with our response, you may be able to lodge a complaint with the Australian Financial Complaints Authority (AFCA).

- AFCA's contact details are:

Online: www.afca.org.au

Email: info@afca.org.au

Phone: 1800 931 678 (free call)

Mail: Australian Financial Complaints Authority
GPO Box 3 Melbourne VIC 3001

Copies of our Policy and Changes to our Policy

Copies of our Policy are available from our Privacy Officer (whose contact details are listed below).

You will find the most up-to-date version of our Policy on our website.

From time to time we may make changes to our Policy. Please view our Policy at www.capitalfinance.com.au.

Contact Us

If you would like to find out more information about our Policy and practices, please contact our Privacy Officer:

- by e-mail at:
privacy_officer@capital-finance.com.au; or
- by post to:
The Privacy Officer
Capital Finance Australia Limited
1 King Street
Concord West NSW 2138

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