

# Privacy Policy Statement

**Prosperity Advisers Group Pty Ltd** - Abides by the Australian Privacy Principles established under the Privacy Amendment (Enhancing Private Protection) Act



[prosperity.com.au](http://prosperity.com.au)



**prosperity**  
advisers group

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# Collecting your information

## Information we collect

In order to provide you financial or other services we may obtain and hold detailed information that personally identifies you and/ or contains information or an opinion about you (“personal information”). In addition, our ability to provide you with comprehensive advice may depend on us obtaining certain personal information about you, including:

- (a) employment details and employment history;
- (b) details of your financial needs and objectives;
- (c) details of your current financial circumstances, including your assets and liabilities (both actual and potential), income, expenditure, insurance cover, estate planning and superannuation;
- (d) details of your investment preferences and aversion or tolerance to risk;
- (e) information about your circumstances, family commitments and social security eligibility.

## Consequences for not providing information

Failure to provide the personal information referred to above may expose you to higher risks in respect of the recommendations made to you and may affect the adequacy or appropriateness of advice we give to you. We are required pursuant to the Corporations Act to collect sufficient information to ensure appropriate advice can be given in respect of recommendations made to our clients. If you elect not to provide us with the personal information referred to above; we may elect to withdraw our services if we believe we are unable to provide you with a complete service.

## Information collection policy

We will not collect any personal information about you except when you have knowingly provided that information to us or authorised a third party to provide that information to us. Please note that you have the right to refuse us authorisation to collect information from a third party. Generally, collection of your personal information will be effected in either face-to-face interviews, over the telephone or by way of an online client engagement form. From time to time additional and/or updated personal information may be collected through one or more of these methods. We will only collect, maintain and use personal information about you if it is necessary for us to adequately provide to you the services you have requested including:

- (a) the preparation of your financial plan;
- (b) the provision of financial planning advice to you;
- (c) making securities and investment recommendations;
- (d) reviewing your financial plan; reviewing securities and investment recommendations;
- (e) lodging or redeeming investments.

Without your consent we will not collect information about you that reveals your racial or ethnic origin, political opinions, religious or philosophical beliefs or affiliations, memberships of professional or trade association, membership of a trade union, details of health, disability, sexual orientation, or criminal record. This is subject to some exceptions including:

- the collection is required by law; and
- when the information is necessary for the establishment, exercise or defence of a legal claim.

Personal information will be treated as confidential information and sensitive information will be treated highly confidential. Although in certain circumstances we are required to collect Government identifiers such as your tax file number, Medicare number or pension card number, we do not use or disclose this information other than when required or authorised by law or unless you have voluntarily consented to disclose this information to any third party.

### **Information disclosure**

We will not use or disclose personal information collected by us for any purpose other than:

- (a) the purposes for which it was provided or secondary related purposes in circumstances where you would reasonably expect such use or disclosure;
- (b) where you have consented to such disclosure;
- (c) where the National Privacy Principles authorise use or disclosure where required or authorised under law, in circumstances relating to public health and safety and in connection with certain operations by or on behalf of an enforcement body.

This may involve the disclosure of your personal information. We are also obliged pursuant to the Corporations Act to maintain certain transaction records and make those records available for inspection by the Australian Securities and Investments Commission.

We may use the personal information collected from you for the purpose of providing you with direct marketing material, however you may, by contacting us by any of the methods detailed below, request not to receive such information and we will give effect to that request. Please allow two weeks for your request to be actioned.

PROSPERITY maintains a register for those individuals not wanting direct marketing material.

We may disclose your personal information to superannuation fund trustees, insurance providers, and product issuers for the purpose of giving effect to your financial plan and the recommendations made by us.

In the event of that we propose to sell the business, we may disclose your personal information to potential purchasers for the purpose of them conducting due diligence investigations. Disclosure will be made in confidence and it will be a condition of that disclosure that no personal information will be used or disclosed by them.



We may share your personal information within the wider Prosperity Advisers Group.

It is a condition of our agreement with each of our advisers that they adopt and adhere to this privacy policy. You can be assured that your information will be maintained by any adviser or employee of PROSPERITY in accordance with this policy. If you have any concerns in this regard, you should contact us by any of the methods detailed below.

We also work with a numbers of companies and in certain circumstances may share personal information with them too. We work with third parties to provide some types of services. They may have access to systems that include your personal information. These companies are subject to strict controls that protect your information from unauthorised use or disclosure, and limit the access to your personal information to the extent necessary to do the job.

It is a condition of our agreement with each of our external contractors that they adopt and adhere to this privacy policy. We will confirm with external contractors that they have systems and procedures for handling personal information in accordance with this policy. If you have any concerns in this regard, you should contact us by any of the methods detailed below.

Some of the parties mentioned above are located overseas, but again we only give secure access to the personal information they need to do their job. These services may include financial statement preparation, taxation return preparation and preparation of statements of advice, and they do it from countries like Vietnam, India and Philippines.

Prosperity maintains effective control of your information at all times, including by ensuring that parties located overseas are subject to strict controls that limit access and subsequent handling of your information to the extent strictly necessary to perform the relevant function and protect your information from unauthorised use and disclosure.

# Your personal information

## Storage of personal information

Your personal information is generally held in your client file. Information may also be held in a computer database. We will at all times seek to ensure that the personal information collected and held by us is protected from misuse, loss, unauthorised access, modification or disclosure. At all times your personal information is treated as confidential and any sensitive information is treated as highly confidential. All record movements off premises are recorded in a central register.

After hours access to our premises is controlled by allowing only personnel with security passes or security keys to access the premises. All computer- based information is protected through the use of access passwords on each computer. Data is backed up each evening and stored securely off site. In the event you cease to be a client of this organisation, any personal information that we hold about you will be maintained in a secure off site storage facility, and destroyed after an appropriate period of time that complies with legislative and professional requirements (usually 7 years).

## Access to your personal information

You may at any time, by contacting us by any of the methods detailed below, request access to your personal information and we will (subject to the following exceptions) provide you with access to that information either by providing you with copies of the information requested, allowing you to inspect the information requested or providing you with an accurate summary of the information held.

We will, prior to providing access in accordance with this policy, require you to provide evidence of your identity. We will not provide you access to personal information which would reveal any confidential formulae or the detail of any in house evaluative decision making process, but may instead provide you with the result of the formulae or process or an explanation of that result.

We will not provide you with access to your personal information if:

- (a) providing access would pose a serious threat to the life or health of a person;
- (b) providing access would have an unreasonable impact on the privacy of others;
- (c) the information related to existing or anticipated legal proceedings between us, and would not be discoverable in those proceedings;
- (d) providing access would reveal our intentions in relation to negotiations with you in such a way as to prejudice those negotiations;
- (e) providing access would be unlawful;
- (f) denying access is required, or authorised by or under law;
- (g) providing access would be likely to prejudice certain operations by, or on behalf of an enforcement body, or an enforcement body requests that access not be provided on the grounds of national security. We will endeavour to respond to any request for access within 14 to 30 days depending on the complexity of the information and/ or the request. If your request is urgent please indicate this clearly. In the event we refuse you access to your personal information, we will provide you with an explanation for that refusal.

No fees will be charged for an access request but PROSPERITY may charge you the reasonable costs of giving you any information to have requested. If charges are applicable in providing the information to you, we will disclose these charges to you prior to providing you with the information.

### **Correction of personal information**

We will endeavour to ensure that, at all times, the personal information about you that we hold is up to date and accurate. In the event that you become aware, or believe, that any personal information which we hold about you is inaccurate, incomplete or outdated, you may contact us by any of the methods detailed below and provide to us evidence of the inaccuracy or incompleteness or outdatedness and we will, if we agree that the information requires correcting, take all reasonable steps to correct the information.

# Complaints and contacts

## Complaints

If you wish to complain about any breach or potential breach of this privacy policy or the National Privacy Principles, you should contact us by any of the methods detailed below and request that your complaint be directed to the Privacy Officer. Your complaint will be considered within 7 days and responded to.

It is our intention to use our best endeavours to resolve any complaint to your satisfaction, however, if you are unhappy with our response, you are entitled to contact the Office of the Privacy Commissioner who may investigate your complaint further.

## Internet site

The website may contain links to third party websites. We do not monitor such websites, are not responsible for the material and content included on them and are not responsible for any potential damage arising out of or in connection with your use of such links. Any user access to third party websites at their own risk.

While it is not necessary to register your personal details to use our website, we may in future offer a registration service, which will enable you to receive product and service updates, newsletters and other information. In the event you do register with us, we will collect personal information from you including your name and e-mail address. If you have registered with us and decide, at any time, that you do not wish to receive any further information from us, you can send an email to the e-mail address noted below requesting to be removed from our online registration database. Please allow two weeks for your request to be actioned.

You may amend or update your registration details by sending an email to the email address noted below providing your amended details. Please allow two weeks for your request to be actioned. Our website may use cookies, which would allow us to identify your browser while you are using our site.

Cookies do not identify you; they simply allow us to track usage patterns so that we can measure the level of interest in various areas of our site.

All browsers allow you to be notified when you receive a cookie and elect to either accept it or not.

Your Internet service provider should be able to assist you to set your preferences. Please refer to our website at [www.prosperityadvisers.com.au](http://www.prosperityadvisers.com.au) for details of our privacy statement relating to the Internet.

## Intellectual property

We either own or have a valid licence to use all intellectual property on our website, including but not limited to registered and unregistered trademarks, graphics, logos, text, images, audio, video clips, software, data complications, button icons and digital downloads.



Nothing contained herein grants you any licence or any right to use, in any way, any of the intellectual property included on our website without our prior written consent.

### **Termination**

We reserve the right, in our sole discretion and without cause, to restrict or terminate your access to our website, without prior notice to you and without incurring any liability.

### **Use of the website and technical issues**

Despite our best efforts, we make no warranties that our website is free from infection by computer viruses or other contamination.

Under no circumstances shall we be liable for any loss or damage, including personal injury or death, resulting from use of our Website or from the conduct of any other Users on the Website. The Website is provided “as is” and “as available” and we expressly disclaim any warranty of fitness for any particular purpose or non-infringement.

### **Territory**

Our Website is controlled, hosted and offered from its facilities in Australia. We make no representations as to the availability or appropriateness of the Website for use from other territories. Any access from other territories is at the User’s own risk and the User is responsible for compliance with any local laws.

### **Limitation of Liability**

EXCEPT FOR ANY LIABILITY THAT BY LAW CANNOT BE EXCLUDED, UNDER NO CIRCUMSTANCES WILL PROSPERITY ADVISERS, ITS DIRECTORS, EMPLOYEES, AGENTS AND CONTRACTORS ACCEPT LIABILITY FOR ANY DIRECT OR INDIRECT LOSS OR DAMAGE, COST (INCLUDING, BUT NOT LIMITED TO LEGAL COSTS) WHATSOEVER RESULTING FROM ANY USE OR ACCESS OR INABILITY TO USE OR ACCESS THE WEBSITE.

YOU INDEMNIFY AND AGREE TO KEEP HARMLESS PROSPERITY ADVISERS AND ITS DIRECTORS, EMPLOYEES, AGENTS AND CONTRACTORS IN RESPECT OF ANY CLAIM, PROCEEDINGS AND EXPENSES (INCLUDING, BUT NOT LIMITED TO LEGAL EXPENSES) ARISING OUT OF ANY BREACH BY YOU OF THIS AGREEMENT OR ANY NEGLIGENT ACT OR OMISSION IN PERFORMING YOUR OBLIGATIONS UNDER THIS AGREEMENT OR THE INFRINGEMENT BY YOU OF ANY INTELLECTUAL PROPERTY OR OTHER RIGHTS OF ANY PERSON OR ENTITY.

### **General**

- a) This Agreement is governed in accordance with the laws of NSW, Australia and you agree to submit to the non-exclusive jurisdiction of the state of NSW, Australia.
- b) Any failure of ours to exercise or enforce any right or provision in this Agreement does not constitute a waiver of that right or provisions.

c) This Agreement constitutes the entire agreement between the User and Prosperity Advisers in relation to any use of the Website.

d) The terms of this Agreement may not be assigned by you but may be assigned by Prosperity Advisers without restriction.

e) If any part of this Agreement is found to be invalid or of no force or effect under any applicable laws, the Agreement shall be interpreted as though such part had not been inserted and the rest of the Agreement shall retain its full force and effect.

f) Prosperity Advisers reserves its right to amend the terms of this Agreement from time to time. Your continued use of the Website following such amendments constitutes your acceptance of such revised terms.

### **Additional privacy information**

Further information on privacy in Australia may be obtained by visiting the web site of the Office of the Federal Privacy Commissioner at [www.privacy.gov.au](http://www.privacy.gov.au).

### **Contact details**

Prosperity Advisers Pty Ltd

PO Box 234

NEWCASTLE NSW 2300

Attention: Privacy Officer

Telephone: (02) 4907 7222

Fax: (02) 4929 6759

Email: [mail@prosperityadvisers.com.au](mailto:mail@prosperityadvisers.com.au)

#### Sydney

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Sydney NSW 2002  
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Newcastle NSW 2300  
PO Box 234  
Newcastle NSW 2300  
T 02 4907 7222

#### Brisbane

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