

TradeDirect365

Privacy Policy

23rd May 2018

Who Are We

This Privacy Policy applies to the processing activities of Finsa Pty Ltd, trading as TD365.

Finsa Pty Ltd is a company registered in Australia with company number 158065635 and whose registered office is Macquarie House, 167 Macquarie Street, Sydney NSW 2000.

Finsa Pty Ltd is authorised and regulated by ASIC (No. 422661) to provide online CFD, spread betting and spot forex products to retail and other customers, and is the data controller of your Personal Information in relation to those services.

Any reference to 'us', 'our', 'we' or 'TD365' 'Finsa Pty' in this policy is a reference to us as the context requires unless otherwise stated.

Similarly, any reference to 'you', 'your', 'yours' or 'yourself' in this policy is a reference to any of our clients and potential clients as the context requires unless otherwise stated.

What kind of Personal Information do we collect and our legal requirements

Prior to providing products or services to you, TD365 is obliged by law to collect, and verify, certain Personal Information from you. The laws governing these requirements include:

- The Financial Transactions Reports Act (1988) (Cth)
- The Anti-Money Laundering and Counter Terrorism Financing Act (2006) (Cth)
- Australian taxation laws
- The Corporations law
- Financial services laws

As part of providing services, or information about our services, to you, we need to verify your identity to set you up as a client and we need to use those details in order to effectively manage your account with us to ensure that you are getting the best possible service from us. This may include third parties carrying out identity checks on our behalf. It is not only in our legitimate interest to do so but the use of your Personal Information in this way is necessary for us to know who you are as we have a legal obligation to comply with certain Know Your Client regulatory obligations.

If you are an actual or potential client, we may collect the following types of information about you:

- name, address and contact details
- date of birth and gender
- information about your income and wealth including details about your assets and liabilities, account balances, trading statements, tax and financial statements, government issued documentation
- profession and employment details
- location data
- trading performance
- any other similar information

We obtain this information in a number of ways through your use of our services or other dealings with us including through any of the Finsa Pty websites, apps, the account opening applications, our demo sign up forms, webinar sign up forms and from information provided in the course of ongoing client service correspondence. We may also collect this information about you from third parties either through bought-in third party marketing lists or publicly available sources.

We also keep records of your trading behaviour, including a record of:

- products you trade with us and their performance
- historical data about the trades and investments you have made including the amount invested
- your preference for certain types of products and services

We may also obtain Personal Information about you through your use of our websites, apps or through the use of cookies on our websites and our/or apps, in particular by recording which pages you look at on our websites.

We may ask for other Personal Information voluntarily from time to time (for example, through market research, surveys or special offers). If you choose not to provide the information we need to fulfil your request for a specific product or service, we may not be able to provide you with the requested product or service.

To help us improve and monitor our products and services, including client services, and develop and market new products and services, we may from time to time use Personal Information provided by you through your use of the services and/or through client surveys to help us improve our products and services. It is in our legitimate interests for us to use your Personal Information in this way to ensure that we provide you with the best products and services we can to you.

As a regulated firm, if we wish to provide you with products and services, or information about our products and services, and to review your ongoing needs once you open an account with us, or subscribe to an update or webinar, we will need to use your Personal Information to perform our services and comply with our obligations to you. It is also in our legitimate interests to ensure that we are providing the best products and services, so we may periodically review your needs to ensure that you are getting the benefit of the best possible products and services from us.

We may record any communications, electronic, by telephone, in person or otherwise, that we have with you in relation to the services we provide to you and our relationship with you. These recordings will be our sole property and will constitute evidence of the communications between us. Such telephone conversations may be recorded without the use of a warning tone or any other further policy.

Who may we disclose Personal Information to?

As part of using your Personal Information for the purposes set out above, we may disclose your information to:

- service providers and specialist advisers who have been contracted to provide us with administrative, IT, financial, regulatory, compliance, insurance, research or other services
- introducing brokers, marketing agents and affiliates with whom we have a mutual relationship

- credit providers, courts, tribunals and applicable regulatory authorities as agreed or authorised by law or our agreement with you
- credit reporting or reference agencies
- anyone authorised by you

Generally, we require that organisations outside TD 365 who handle or obtain Personal Information acknowledge the confidentiality of this information, undertake to respect any individual's right to privacy and comply with the all relevant data protection laws and this privacy policy.

Third party service providers such as credit referencing agencies may keep a record of any searches performed on our behalf and may use the search details to assist other companies in performing their searches.

Please note that the use of your Personal Information by external third parties who act as data controllers of your Personal Information is not covered by this policy and is not subject to our privacy standards and procedures.

How do we obtain your consent?

Where our use of your Personal Information requires your consent, such consent will be provided in accordance with the applicable client agreement available on our website(s) or any other contract we may have entered into with you or as set out in our communication with you from time to time.

If we rely on your consent as our legal basis for processing your Personal Information, you have the right to withdraw that consent at any time by contacting us using the contact details set out in this policy.

Management and use of Personal Information

We always take appropriate technical and organisational measures to ensure that your information is secure. In particular, we train our employees who handle Personal Information to respect the confidentiality of client information and the privacy of individuals. We regard breaches of your privacy very seriously and will impose appropriate penalties, including dismissal where necessary.

We have appointed a Data Protection Officer to ensure that our management of Personal Information is in accordance with this policy and the applicable legislation.

We may from time to time use Personal Information about you to form profiles about you so that we can provide the very best products and services we can. We may also make decisions about you through automated profiling which may affect your ability to use our services. We may need to do this either to perform our legal obligations or because it is in our legitimate interest to use your Personal Information in such a way.

Our Web pages and e-mails may contain web beacons or pixel tags or any other similar type of data analysis tools which allow us to track receipt of correspondence and to count the number of users that have visited our webpage or opened our correspondence. Where your Personal Information is completely anonymised, we do not require a legal basis as the information will no longer constitute Personal Information. However, where your Personal Information is not in an anonymised form, it is

in our legitimate interest to continually evaluate that Personal Information to ensure that the products and services we provide are relevant to you.

We may use your Personal Information to send you marketing communications by email or phone or other agreed forms (including social media campaigns) to ensure that you are always kept up to date with our latest products and services. Where we send you marketing communications we will either do so as it is in our legitimate interest or with your consent.

As regulated firm we may need to process your Personal Information for internal business and research purposes and record keeping purposes. Such processing is in our own legitimate interests and is required in order to comply with our legal obligations. This may include any communications that we have with you in relation to the services we provide to you and our relationship with you. We will also keep records to ensure that you comply with your obligations under any contract you have entered into with us.

Information request and your rights about personal information

Under the Privacy Act 1988, in most cases, you have the right to obtain a copy of any Personal Information which TD365 hold about you and to advise TD365 of any perceived inaccuracies.

To make a request, you will need to contact customer services on 1800 886514 (press "2") or +61 (0)2 8310 4713 if calling from overseas, verify your identity and specify what information you require. We may ask you for additional verification information but will endeavour to respond to your query in a timely manner.

Your Rights about Your Personal Information

Access

If you ask us, we will confirm whether we are processing your Personal Information and, if so, provide you with a copy of that Personal Information (along with certain other details). If you require additional copies, we may need to charge a reasonable administration fee.

Rectification

If the Personal Information we hold about you is inaccurate or incomplete, you are entitled to have it rectified. If we have shared your Personal Information with others, we will let them know about the rectification where possible. If you ask us, where possible and lawful to do so, we will also tell you who we have shared your Personal Information with so that you can contact them directly.

Erasure

You can ask us to delete or remove your Personal Information in certain circumstances such as where we no longer need it, or you withdraw your consent (where applicable) provided that we have no legal obligation to retain that data. Such request will be subject to any retention limits we are required to comply with in accordance with applicable laws and regulations. If we have shared your Personal Information with others, we will let them know about the erasure where possible. If you ask us, where possible and lawful to do so, we will also tell you who we have shared your Personal Information with so that you can contact them directly.

Processing restrictions

You can ask us to ‘block’ or suppress the processing of your Personal Information in certain circumstances such as where you contest the accuracy of that Personal Information or object to us processing it. It will not stop us from storing your Personal Information though. We will tell you before we lift any restriction. If we have shared your Personal Information with others, we will let them know about the restriction where possible. If you ask us, where possible and lawful to do so, we will also tell you who we have shared your Personal Information with so that you can contact them directly.

Objection

You can ask us to stop processing your Personal Information, and we will do so, if we are:

- relying on our own or someone else’s legitimate interests to process your Personal Information except if we can demonstrate compelling legal grounds for the processing;
- processing your Personal Information for direct marketing; or
- processing your Personal Information for research unless such processing is necessary for the performance of a task carried out in the public interest;
- Automated decision-making and profiling

If we have made a decision about you based solely on an automated process (e.g. through automatic profiling) that affects your ability to use the services or has another significant effect on you, you can ask not to be subject to such a decision unless we can demonstrate to you that such decision is necessary for entering into, or the performance of, a contract between you and us. Even where a decision is necessary for entering into or performing a contract, you may contest the decision and request human intervention.

How do we store Personal Information and for how long?

Safeguarding the privacy of your information is important to us, whether you interact with us personally, by phone, by mail, over the internet or by any other electronic medium. We hold Personal Information in a combination of, secure off-site locations, secure computer storage facilities, paper-based files and other records and take steps to protect the Personal Information we hold from misuse, loss, unauthorised access, modification or disclosure.

When we consider that Personal Information is no longer needed, we will remove any details that will identify you and will securely destroy the records.

However, we may need to maintain records for a significant period of time. For example, we are subject to certain anti-money laundering laws which require us to retain:

- a copy of the documents we used to comply with our client due diligence obligations; and
- supporting evidence and records of transactions with you and your relationship with us, for a period of five years after our business relationship with you has ended.

If we hold any Personal Information in the form of a recorded communication, by telephone, electronic, in person or otherwise, this information will be held in line with local regulatory requirements which will either be 5 years or 10 years after our business relationship with you has ended.

Where you have written to us to opt out of receiving marketing communications we will hold your details on our exclusion list so that we know you do not want to receive these communications.

What is a cookie and how do we use cookies?

Cookies are small pieces of text stored on your computer or device when you visit a website or an app.

We use cookies on our websites and on our apps to provide you with a more relevant and effective experience, including presenting web pages according to your needs or preferences. For further information about cookies and how we use cookies, please refer to our website.

Technology Improvements

We are constantly striving to improve functionality on this site through technology changes. This may mean a change to the way in which Personal Information is collected or used. The impact of any technology changes which may affect your privacy will be notified in this policy at the time of the change.

What if you have a complaint and matters relating to dispute resolution and enquiries?

We may need to use Personal Information collected from you to investigate issues and/or settle disputes with you as it is in our legitimate interests to ensure that issues and/or disputes get investigated and resolved as quickly and efficiently as possible.

We may need to use your Personal Information to comply with applicable law, court order or other judicial process, or the requirements of any applicable regulatory authority. We do this not only to comply with our legal obligations but because it may also be in our legitimate interest to do so.

If you have a concern about any aspect of our privacy practices, you can make a complaint. This will be acted upon promptly. To make a complaint, please contact us via one of the methods set below or at support@TradeDirect365.com.au or by mail at TradeDirect365, Level 13 Macquarie Street, 167 Macquarie House, Sydney NSW 2000, Australia

If you consider that any action of TD365 breaches this Privacy Policy Statement or the National Privacy Principles or otherwise doesn't respect your privacy, you can make a complaint. This will be acted upon promptly. To make a complaint please contact customer services on 1800 886514 (press "2") or +61 (0)2 8310 4713 if calling from overseas. or via email to support@TradeDirect365.com.au

If you are not satisfied with our response to your complaint, you can telephone the Commonwealth Privacy Commissioner's hotline on 1300 363 992 or by visiting their website: www.oaic.gov.au/

We may need to use Personal Information collected from you to investigate issues and/or settle disputes with you as it is in our legitimate interests to ensure that issues and/or disputes get

investigated and resolved as quickly and efficiently as possible. This is to comply with our legal obligations and because it may also be in our legitimate interest to do so.

Access policy

For the purposes of this policy, 'Platforms' means any electronic services (together with any related software or application) accessible by whatever means we grant you access to or make available to you either directly or through a third-party service provider.

Once you open an account with us, your dealings with us will be governed by our client agreement. In return for us granting you access to Platforms, you agree to the following terms:

- You will take all reasonable steps to ensure that no computer viruses, worms, software bombs or similar items are introduced into any computer hardware, software, applications, equipment or network facilities you use to access our Platforms.
- We and our licensors (as the case may be) will retain the intellectual property rights in all elements of the software and such software and databases contained within our trading platforms, and you will not in any circumstances obtain title or interest in such elements.

With respect to any market data or other information that we or any third-party service provider provide to you in connection with your use of Platforms, you agree that:

- (a) we and any such provider are not responsible or liable if any such data or information is inaccurate or incomplete in any respect;
- (b) we and any such provider are not responsible or liable for any actions that you take or do not take based on such data or information;
- (c) such data or information is proprietary to us and any such provider and you will not retransmit, redistribute, publish, disclose or display in whole or in part such data or information to third parties except as required by applicable regulations or as agreed by us;
- (d) you will use such data or information solely in compliance with the applicable regulations and this policy; and
- (e) we may at our absolute discretion remove your access to market data at any time. No one other than a party to this policy, their successors and permitted assignees shall have any right to enforce any of its terms.

This policy and all our dealings with you are in all respects governed by and construed and interpreted and governed in accordance by the law in force in New South Wales. The parties submit to the jurisdiction of the Courts of New South Wales will have non-exclusive jurisdiction to settle any legal action or proceedings arising out of or in connection with this policy, including any noncontractual disputes and claims. Nothing in this term will prevent us from bringing proceedings against you in any other jurisdiction.