



## Guideway Privacy Policy

**Effective date – 3 December 2019**

### About this Privacy Policy

This policy sets out how Guideway Financial Services Pty Ltd (ABN 46 156 498 538) (GFS) and Guideway Licensee Services Pty Ltd (ABN 151 685 827 41) (GLS) manage the personal information we hold about you. GFS and GLS are collectively referred to in this policy as Guideway.

At Guideway, we strongly value your right to privacy and this statement outlines how we collect, store and protect your personal information to ensure we comply with the relevant privacy laws including the 13 Australian Privacy Principles (APPs) and other provisions of the Privacy Act 1988 (Cth).

### Who's who?

GFS, holds an Australian Financial Service Licence (AFSL 420367) and is a licensee services provider. GLS is the operating company and staff employer for Guideway. GFS outsources certain services to GLS; including para-planning, technical support, compliance and other functions to provide dealer and licensee services.

### How and why we collect your personal information?

Personal information is information or an opinion about you that could identify you or be used to establish your identity. In order to provide you with financial advice, we will require access to your personal information to assess your advisory needs and determine which financial products and strategies may be suitable for you. We will also need access to your personal information if you request other services from us, such as assistance with your tax return or licensee services. Generally, Guideway will use the personal information gathered for the primary purpose for which it was collected. For instance, Guideway may use your personal information to:

- Provide you with general and personal advice,
- Administer your financial products,
- Implement your personal advice recommendations,
- Issue you with reminders about products and services which you have previously used,
- Deal with a complaint about our advisory services, or
- Assist you with your taxation affairs.

Information we collect may include (but is not limited to) your name, date of birth, gender, contact details, Tax File Number (limited circumstance), employment history, financial details, family circumstances, social security eligibility and risk appetite. We generally capture this information during our initial meeting where your adviser will record your answers in the 'Client Fact Find' which is subsequently stored electronically in our financial planning software.

In order to ensure your financial advice remains appropriate, we may also request further information from you in the future. There are some important personal information items which it is your responsibility to keep us updated on i.e. a change of address.



While Guideway will endeavour wherever possible to collect personal information from you directly, there are some circumstances where we may need to contact third parties such as product providers, to collect personal information about you.

Further, in some circumstances we are required by law to collect personal information about you. For example, anti-money laundering and counter terrorism financing legislation requires us to collect some personal information from you prior to providing that service.

## **Do we collect sensitive and/or health information?**

Guideway's policy is to only collect sensitive information where it is necessary for us to perform our services and we have your consent (or where we are legally required to collect the information). Sensitive information is a subset of personal information, which is afforded a higher level of privacy. Sensitive information may include personal information about your health, medical history, race, ethnicity, criminal records, religious beliefs or affiliations with professional memberships.

Furthermore, we generally don't collect details of your personal health situation; however there may be some circumstances where this is required. For instance, facilitating the underwriting of an insurance recommendation or assessing the viability of a lifetime annuity. We will only request personal health information from you directly except where allowed by law.

Health information will be held in accordance with this policy and only with your consent or where it is authorised to by law.

## **What happens if we are unable to collect the personal information we request from you?**

If you do not wish to provide us with your personal information, then you do not have to. If you do not provide us with the personal information we request, this may affect our ability to provide you with financial planning advice that is suitable for your needs and objectives.

## **Who we may disclose your personal information to?**

Your personal information may be disclosed to external product providers so that we can provide the financial, administrative and other services required to manage your investments. This disclosure is made on a confidential basis and may vary according to the service involved. The entities we may share your personal information with include:

- Superannuation fund trustees, insurance providers, platform operators, credit providers and product issuers for the purpose of giving effect to a loan application, recommendations within a Statement of Advice or dealing services you have requested
- Parties authorised by you or who you have provided your consent for us to deal with on your behalf (such as financial institutions, accountants and lawyers);
- Services providers and specialist providers who we engage to provide services to us (including data storage, accounting, legal and compliance services);
- Courts, Tribunals and other dispute resolution bodies;
- Law enforcement agencies, regulators, government bodies or as required or authorised by law;
- Superannuation fund trustees or other businesses who have referred you to us.



We prohibit third parties from using your personal information, except for the specific purpose for which we supply it. Please note that personal information collected by one part of the Guideway group may be shared with other companies in the Guideway group for reasonable business purposes.

Further your personal information may be disclosed, if required to do so, by the law such as under the Anti-Money Laundering and Counter Terrorism Financing Act, or by Court Order.

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

- The purposes for which it was provided or secondary related purposes in circumstances where you would reasonably expect such use or disclosure
- Where you have consented to such disclosure, or
- Where the Australian 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.

## How do we secure your personal information?

We ensure that your personal information is only accessible to people who are properly authorised and we take reasonable steps to ensure that the information we hold is protected against misuse, interference and loss, unauthorised access, modification or disclosure.

Guideway stores your personal information as collected by us in either paper or electronic form. Where paper records are collected, they are kept on premise and are converted to electronic form and stored. Paper records are destroyed once an electronic copy has been retained and the paper record is no longer required. Personal information in electronic form is stored with a third party service provider within Australia. When required, your personal information in electronic form will also be temporarily stored within Guideway's internal network; for example while we are converting your records to electronic form or preparing financial advice for you.

Within Guideway, we use a range of physical and electronic security measures such as alarms, cameras and computer network security to safeguard your information from unauthorised access. Paper records are always stored in a secure area with controls in place such as lockable cabinets and restricted staff key card access. Employees are both required and taught to respect the confidentiality of client information. We audit staff access to personal information at least yearly, and monitor access to and use of information stored in electronic form through software programs. Further, we review third party storage providers who hold personal information at least yearly to ensure your information is protected.

## How long do we keep your personal information, and when do we destroy it

Guideway will store personal information for a period of at least 7 years from the date you cease to be a client of Guideway or otherwise required by us to comply with our legislative, legal or professional requirements. Following this, we will destroy or de-identify all personal information which we no longer require for any purpose disclosed.

## How we collect and use your Tax File Number



Guideway is a lawful tax file number recipient under Part VA of the Income Tax Assessment Act 1936. There may be some instances where Guideway or an Authorised Representative of Guideway will ask you for your Tax File Number (TFN) to provide it to an investment body (e.g. superannuation fund, financial institution, etc) or to assist you in managing your tax affairs. This will only be requested from you when it is requested by an investment body to implement our personal advice recommendations for you, to facilitate dealing services on your behalf or to assist you with your tax return. We will take reasonable steps to ensure the collection of your TFN does not unreasonably intrude in your affairs. Further, you are not obliged to provide us with your TFN, however, if you do not inform the investment body of your TFN there may be financial consequences that may result.

## **Dealing with us anonymously or with a pseudonym**

You can deal with Guideway anonymously or with a pseudonym where it is lawful and practicable to do so. A pseudonym is a name that differs from your original name. In these circumstances, as we are limited in the amount of information that we have about you, we may be limited in our ability to provide details about our services and products applicable to your particular circumstances.

## **Dealing with unsolicited personal information**

Although it is unlikely, Guideway may receive unsolicited personal information about you. If Guideway receives personal information about you and determines that the information is unsolicited and could not otherwise be collected under law, we will ensure we destroy or de-identify the information (provided it is lawful and reasonable to do so).

## **Notification of the collection of personal information**

When we receive personal information from you directly, we'll take reasonable steps to notify you how and why we collected your information, who we may disclose it to and outline how you can access it, seek correction of it or make a complaint.

## **Direct Marketing**

We may use or disclose your personal information to let you know about products and services that might better serve your financial and credit needs, or running competitions or promotions and other opportunities in which you may be interested.

We may conduct these marketing activities via email, telephone, SMS, mail, or any other electronic means. We may also market our products to you through third party channels (such as social networking sites). You can opt out from receiving our third party marketing offers by contacting the Guideway Privacy Manager using the contact information within this document.

Where we market to prospective customers, we are happy to let them know how we obtained their information and will provide easy to follow opt-outs.

With your consent, we may disclose your personal information to third parties such as brokers or agents, or for the purpose of connecting you with other businesses or customers. You can ask us not to do this at any time. We won't sell your personal information to any organisation.

## Overseas disclosures

We run our business in Australia only and endeavour not to share your information with organisations outside of Australia. We require external organisations with whom we share your information to comply with the Australian Privacy Principles or to provide privacy protections which are at least equivalent.

From time to time, it is possible that we may store your information in cloud or other types of networked or electronic storage. As electronic or networked storage can be accessed from various countries via an internet connection, it's not always practicable to know in which country your information may be held. If your information is stored in this way, disclosures may occur in countries other than those listed.

However, overseas organisations may be required to disclose information we share with them under a foreign law. In those instances, we will not be responsible for that disclosure.

## Access to your personal information

**In most cases, Guideway will give you access to your personal information unless there are certain legal reasons why we can't.**

If you wish to have access, please contact us at [advice@guideway.com.au](mailto:advice@guideway.com.au) and provide proof of identity to accompany your request. We will require identification to ensure your personal information is only provided to you. We will take all steps to act on your request for information within 30 days.

However, we're not always required to give you access to your personal information. As such there may be some instances where we don't have to give you access, these instances might be that;

- We believe there is a threat to life or public safety;
- There is an unreasonable impact on the privacy of other individuals;
- The request is frivolous;
- The information is relevant to, but would not be accessible in existing or anticipated legal proceedings;
- It would prejudice negotiations with you;
- It would be unlawful;
- By court/tribunal order;
- It would jeopardise taking action against serious misconduct by you;
- It would be likely to harm the activities of an enforcement body (e.g. the police);
- It would harm the confidentiality of our commercial information.

If we can't provide your information in the way you've requested, we will tell you why in writing.

## Correcting your Personal and Credit information

Guideway relies on up-to-date and accurate personal information to provide you with personal advice. We therefore request that you inform us immediately if you receive any correspondence from us or a product issuer or if you think



the information we have about you is inaccurate; out of date; incomplete; irrelevant; or misleading, let us know and we'll try to correct it.

If you are worried that we have given incorrect information to others, you can ask us to tell them about the correction. We'll try and help where we can - if we can't, then we'll let you know. You can let us know by contacting the Guideway Privacy Manager using the details found below.

If we're able to correct the information, we'll let you know within 10 business days of deciding to do this. We'll also let the relevant third parties know as well as any others you tell us about. If there are any instances where we can't do this, then we'll let you know. And explain why in writing within 10 business days.

## What do you do if you have a complaint?

If you are not satisfied with how we have handled your personal information, you may lodge a complaint by writing to us at the following address. Your complaint will be taken seriously and dealt with in a confidential manner.

Guideway Privacy Manager

A: Level 3, 91 William Street, Melbourne VIC 3000

D: 1300 138 138 E: [advice@guideway.com.au](mailto:advice@guideway.com.au)

Once received, the Privacy Manager will ensure that your complaint is properly considered. You should expect to receive an acknowledgement within a week and a decision within 30 days. Some complaints may take longer to resolve if they are complex, however, we are required by law to deal with all complaints within 90 days.

If, after following this procedure, you are still not satisfied or we do not respond within 30 days, you may be able to take the matter to the Australian Financial Complaints Authority (AFCA), Phone: 1800 931 678, website: [www.afca.org.au](http://www.afca.org.au) or email: [info@afca.org.au](mailto:info@afca.org.au). Alternatively, you can contact The Office of the Australian Information Commissioner (Commissioner) phone: 1300 363 992, website: [www.oaic.gov.au](http://www.oaic.gov.au), or email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au). Information regarding how to lodge a complaint can be found by contacting AFCA or the Commissioner directly.

Should your complaint relate to how your information has been treated by a product provider, you should direct your complaint to the relevant responsible entity as identified in the Product Disclosure Statement provided to you.

## Mandatory data breach reporting

In line with the Privacy legislation, Guideway will notify the Privacy Commissioner and affected individuals if there are reasonable grounds to believe that an "eligible data breach" (as defined in Privacy legislation) has occurred. If it is suspected that a data breach has occurred, Guideway will undertake an assessment of the suspected "eligible data breach".

## Changes to this Privacy Policy

Guideway reserves the right to change this policy. We will let you know of any changes to this Policy by posting a notification on our website.