



# Privacy Policy and Collection Statement

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## Introduction

This document provides information and details about how we manage the personal information that we collect, hold, use and disclose about individuals. We understand that the privacy of your information is important to you, and we respect the confidentiality of the information that you provide to us. Protecting your information is an important part of maintaining trust between us and our clients and by handling information in a secure manner we build strong business relationships.

Clever Advice Pty Ltd ACN 624 242 486 (referred to as **Clever, we, our, us**) is bound by the *Privacy Act 1988 (Privacy Act)*, including the Australian Privacy Principles (**APPs**) and recognises the importance of ensuring the confidentiality and security of your personal information.

All third parties (including clients, suppliers, sub-contractors, or agents) that have access to or use personal information collected and held by Clever, must abide by this Privacy Policy and Collection Statement (**Privacy Policy**). Clever makes this Privacy Policy available free of charge and can be downloaded from its website [www.cleveradvice.com.au](http://www.cleveradvice.com.au).

In this Privacy Policy:

- **Credit information** is personal information (other than sensitive information) that relates to an individual's credit history or credit worthiness, and is further defined in the Privacy Act. Credit information includes information that we have obtained from third parties, including individuals, other lessors, credit providers, and Credit Reporting Agencies (**CRBs**);
- **Disclosure** of information means providing information to persons outside of Clever;
- **Personal information** means information or an opinion relating to an individual, which can be used to identify that individual;
- **Privacy Officer** means the contact person within Clever for questions or complaints regarding Clever's handling of personal information;
- **Sensitive information** is personal information that includes information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences and criminal record, and also includes health information; and
- **Use** of information means use of information within Clever.

## What kind of personal information do we collect and hold?

We may collect and hold a range of personal information about you to provide you with our services. We may also collect sensitive information about your medical history and your health and lifestyle to provide financial advice about life insurance products. We may also collect personal information of your family members where it is relevant to the advice being provided.

The information we collect includes, but is not limited to:

- Your name, address, phone numbers, email addresses, occupation;
- bank account details;

- driver's licence details;
- financial information, including details of your investments, insurance policies, estate planning strategies, taxation information, and health information.
- credit information, including details of;
  - your assets, liabilities, income, expenses;
  - information about your consumer credit liabilities,
  - information about your repayment history,
  - the type and amount of credit you sought in an application;
  - if you are 60 days or more overdue in making a repayment of \$150 or more;
  - whether you have repaid overdue payments;
  - information about new credit arrangements you have entered into as a result of defaulting in repayments;
  - information about court judgements against you in relation to credit that has been provided to you;
  - publicly available information that relates to your credit worthiness;
  - information recorded in the National Personal Insolvency Index about you;
  - our opinion as to whether you have committed a serious credit infringement in relation to consumer credit provided by us; and
  - any other personal information that may impact our assessment of your credit worthiness.

## How do we collect personal information?

We generally collect personal information directly from you. For example, personal information will be collected through our application processes, forms and other interactions with you in the course of providing you with our products and services, including when you visit our website, use a mobile app from us, call us or send us correspondence.

It's your choice whether to provide your personal information. You have the right to not to provide personal information, including about your identity. However, in this case, our adviser will warn you about the possible consequences and how this may impact on the quality of the advice provided. If the personal information we request is not provided by you, we may not be able to provide you with the benefit of our services or meet your needs appropriately.

We will not collect sensitive information about you without your consent, unless an exemption in the APPs applies. These exceptions include if the collection is required or authorised by law, or necessary to take appropriate action in relation to suspected unlawful activity or serious misconduct.

We may also collect personal information about you from a third party, such as electronic verification services, referrers, marketing agencies, credit providers or CRBs. We do not give you the option of dealing with them anonymously, or under a pseudonym. This is because it is impractical, and, in some circumstances, illegal for Clever to deal with individuals who are not identified.

## Unsolicited personal information

We may receive unsolicited personal information about you. We destroy or de-identify all unsolicited personal information we receive, unless it is relevant to our purposes for collecting personal information.

We may retain additional information we receive about you if it is combined with other information we are required or entitled to collect. If we do this, we will retain the information in the same way we hold your other personal information.

## Who do we collect personal information about?

The personal information we may collect and hold includes (but is not limited to) personal information about clients, clients family, potential clients, service providers or suppliers, prospective employees, employees and contractors, and other third parties with whom we come into contact.

## Website collection

We collect personal information from our website [www.cleveradvice.com.au](http://www.cleveradvice.com.au) when we receive emails and online forms. We may also use third parties to analyse traffic at that website, which may involve the use of cookies. Information collected through such analysis is anonymous. You can view and access our Privacy Policy by clicking on the privacy button on our website.

We also use analytics on the site to understand how users interact with our website, to compile aggregate data about our website traffic, including where our website visitors are located, and interaction so that we can offer better user experiences. We do not pass any personally identifiable information through this function, however, the data we collect may be combined with other information which may be identifiable to you.

## Why do we collect and hold personal information?

We may use and disclose the information (excluding credit information) we collect about you for the following purposes:

- to assist in providing wealth management, financial planning, personal risk and stockbroking services;
- review and meet your ongoing needs;
- provide you with information we believe may be relevant or of interest to you;
- let you know about other products or services we offer, send you information about special offers or invite you to events;
- consider any concerns or complaints you may have;
- comply with relevant laws, regulations and other legal obligations;
- help us improve the products and services offered to our customers and enhance our overall business;

We may use and disclose your personal information (excluding credit information) for any of these purposes. We may also use and disclose your personal information for secondary purposes which are related to the primary purposes set out above, or in other circumstances authorised by the Privacy Act.

Sensitive information will be used and disclosed only for the purpose for which it was provided (or a directly related secondary purpose), unless you agree otherwise, or an exemption in the Privacy Act applies.

## Who might we disclose personal information to?

We may disclose personal information (excluding credit information) to:

- a related entity of Clever;
- an agent, contractor or service provider we engage to carry out our functions and activities, such as our lawyers, accountants, debt collectors or other advisers;
- organisations involved in a transfer or sale of all or part of our assets or business;
- organisations involved in managing payments, including payment merchants and other financial institutions, such as banks;
- regulatory bodies, government agencies, law enforcement bodies and courts;
- financial product issuers and credit providers;
- anyone else to whom you authorise us to disclose it or is required by law; and

If we disclose your personal information to service providers that perform business activities for us, they may only use your personal information for the specific purpose for which we supply it. We will ensure that all contractual arrangements with third parties adequately address privacy issues, and we will make third parties aware of this Privacy Policy.

We may disclose the following personal information to CRBs, in order to comply with our obligations under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) (**AML/CTF obligations**): your name, date of birth, and your residential address.

The purpose of disclosing this information is to enable us to verify whether the personal information collected matches the identification information held by the CRB. We may, upon request, provide you with an alternative method of verification, however, any alternative verification method must also comply with the AML/CTF legislation.

## How do we use and disclose credit information?

We use your credit information to manage how we provide our services to you. We may disclose your personal information (including credit information about your credit liabilities, repayments and defaults) to CRBs. We may also collect this information from CRBs.

We will only disclose credit information to:

- a related body corporate;
- a person who will be processing your application for credit;
- a person who manages credit services provided by us, for use in managing those credit services;
- another credit provider if we believe you have committed a serious credit infringement, or you have consented to the disclosure;
- to a person considering whether to act as a guarantor or offer property as security and you have expressly consented to the disclosure;
- a debt collector;
- an external dispute resolution scheme of which we are a member;
- a CRB; or
- any other person or entity that is entitled or authorised by law to require our disclosure.

## Sending information overseas

We may disclose personal information to service providers and product providers that are located and/or have staff and/or service arrangement outside of Australia in some circumstances. It is not practical to list all of the countries in which recipients of personal information will be disclosed, however, they are likely to include the following countries: America, The Philippines, China, India, and Nepal.

We will not send personal information to recipients outside of Australia unless:

- we have taken reasonable steps to ensure that the recipient does not breach the Act, the APPs and the Credit Reporting Privacy Code;
- the recipient is subject to an information privacy scheme similar to the Privacy Act; or
- the individual has consented to the disclosure.

If you consent to your personal information being disclosed to an overseas recipient, and the recipient breaches the APPs, we will not be accountable for that breach under the Privacy Act, and you will not be able to seek redress under the Privacy Act.

## Management of personal information

We recognise the importance of securing the personal information of our customers. We will take steps to ensure your personal information is protected from misuse, interference or loss, and unauthorised access, modification or disclosure.

Your personal information is generally stored in our computer database. Any paper files are stored in secure areas. In relation to information that is held on our computer database, we apply the following guidelines:

- passwords are required to access the system and passwords are routinely changed;
- data ownership is clearly defined;
- we change employees' access capabilities when they are assigned to a new position;
- employees have restricted access to certain sections of the system;
- unauthorised employees are barred from updating and editing personal information;
- and
- data is encrypted during transmission over the network.

Where our employees work remotely or from home, we implement the following additional security measures:

- password complexity is enforced, and employees are required to change their password at regular intervals;
- we ensure that employees only have access to personal information which is directly relevant to their duties;
- employees are not permitted to work in public spaces;
- employees must ensure that screens are locked when not in use;
- employees must ensure that no other member of their household uses their work device;
- employees must store devices in a safe location when not in use;

- employees may not make hard copies of documents containing personal information, nor may they email documents containing personal information to their personal email accounts; and
- employees may not disclose an individual's personal information to colleagues or third parties, via personal chat groups.

## Direct marketing

We may only use personal information we collect from you for the purposes of direct marketing without your consent if:

- the personal information does not include sensitive information; and
- you would reasonably expect us to use or disclose the information for the purpose of direct marketing; and
- we provide a simple way of opting out of direct marketing; and
- you have not requested to opt out of receiving direct marketing from us.

If we collect personal information about you from a third party, we will only use that information for the purposes of direct marketing if you have consented (or it is impracticable to obtain your consent), and we will provide a simple means by which you can easily request not to receive direct marketing communications from us. We will draw your attention to the fact you may make such a request in our direct marketing communications.

You have the right to request us not to use or disclose your personal information for the purposes of direct marketing, or for the purposes of facilitating direct marketing by other organisations. We must give effect to the request within a reasonable period of time. You may also request that we provide you with the source of their information. If such a request is made, we must notify you of the source of the information free of charge within a reasonable period of time.

## Identifiers

We do not adopt identifiers assigned by the Government (such as drivers' licence numbers) for our own file recording purposes, unless one of the exemptions in the Privacy Act applies.

## How do we keep personal information accurate and up-to-date?

We are committed to ensuring that the personal information we collect, use and disclose is relevant, accurate, complete and up-to-date.

We encourage you to contact us to update any personal information we hold about you. If we correct information that has previously been disclosed to another entity, we will notify the other entity within a reasonable period of the correction. Where we are satisfied information is inaccurate, we will take reasonable steps to correct the information within 30 days, unless you agree otherwise. We do not charge you for correcting the information.

## Accessing your personal information

Subject to the exceptions set out in the Privacy Act, you may gain access to the personal information that we hold about you by contacting the Clever's Privacy Officer. We will provide access within 30 days of the individual's request. If we refuse to provide the information, we will provide reasons for the refusal.

We will require identity verification and specification of what information is required. An administrative fee for search and photocopying costs may be charged for providing access.

## Updates to this Privacy Policy

This Privacy Policy will be reviewed from time to time to take account of new laws and technology, and changes to our operations and the business environment.

## Responsibilities

It is the responsibility of management to inform employees and other relevant third parties about this Privacy Policy. Management must ensure that employees and other relevant third parties are advised of any changes to this Privacy Policy. All new employees are to be provided with timely and appropriate access to this Privacy Policy, and all employees are provided with training in relation to appropriate handling of personal information. Employees or other relevant third parties that do not comply with this Privacy Policy may be subject to disciplinary action.

## Non-compliance and disciplinary actions

Privacy breaches must be reported to management by employees and relevant third parties. Ignorance of this Privacy Policy will not be an acceptable excuse for non-compliance. Employees or other relevant third parties that do not comply with this Privacy Policy may be subject to disciplinary action.

## Incidents/Complaints handling/Making a complaint

We have an effective complaints handling process in place to manage privacy risks and issues. You can find more details in our Financial Services Guide located at [www.cleveradvice.com.au](http://www.cleveradvice.com.au)

The complaints handling process involves:

- identifying (and addressing) any systemic/ongoing compliance problems;
- increasing consumer confidence in our privacy procedures; and
- helping to build and preserve our reputation and business.

You can make a complaint to us about the treatment or handling of your personal information by lodging a complaint with the Privacy Officer. If you have any questions about this Privacy Policy, or wish to make a complaint about how we have handled your personal information, you can lodge a complaint with us by

- writing – Compliance Manager, PO Box 90, Epping NSW 1710
- emailing – [plans@cleveradvice.com.au](mailto:plans@cleveradvice.com.au)

If you are not satisfied with our response to your complaint, you can also refer your complaint to the Office of the Australian Information Commissioner by:

- telephoning – 1300 363 992
- writing – Director of Complaints, Office of the Australian Information Commissioner, GPO Box 5218, SYDNEY NSW 2001
- emailing – [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

## Contractual arrangements with third parties

We ensure that all contractual arrangements with third parties adequately address privacy issues, and we make third parties aware of this Privacy Policy.

Third parties will be required to implement policies in relation to the management of your personal information in accordance with *the Privacy Act*. These policies include:

- regulating the collection, use and disclosure of personal and sensitive information;
- de-identifying personal and sensitive information wherever possible;
- ensuring that personal and sensitive information is kept securely, with access to it only by authorised employees or agents of the third parties; and
- ensuring that the personal and sensitive information is only disclosed to organisations which are approved by us.

## Your rights

This Privacy Policy contains information about how:

- you may access the personal information we hold about you;
- you may seek the correction of your personal information;
- you may ask us to provide an alternative means of identity verification for the purposes of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth);
- you may complain about a breach of the Privacy Act, including the APPs; and
- we will deal with a privacy complaint.

## Acknowledgement

By proceeding to use our services, you acknowledge that you:

Have read Clever's **(We, our, us) Privacy Policy and Collection Statement** located at [www.cleveradvice.com.au](http://www.cleveradvice.com.au)

**Authorise us to act as your agent** in seeking **access to your credit information** held by credit reporting bodies and credit providers. This authority applies to our enquiries in connection with the provision of services to you by us in order to verify your personal information (including name, residential address and date of birth) for Anti-Money Laundering and Counter-Terrorism Financing purposes.

Consent to us **collecting sensitive information about you** for the purpose of providing services to you.

You consent to us **sending your personal information to the recipients located outside Australia** as described in the Privacy Policy and Collection Statement.

You agree to receive information about our **products, services or promotions**.

You fully understand and agree to be bound by the terms and conditions contained in our Client Agreement.

If you have any questions or require clarification please contact us – [plans@cleveradvice.com.au](mailto:plans@cleveradvice.com.au).