

# PRIVACY POLICY & PROCEDURES

Dated 12 March 2014

Tidswell Financial Services Ltd ABN 55 010 810 607 (Tidswell) is the Trustee for:

- The Tidswell Master Superannuation Plan Division 1 (ABN 34 300 938 877)
- The Tidswell Master Superannuation Plan Division 6 – Executive Choice Master Fund (ABN 34 300 938 877)
- The University of Adelaide Superannuation Scheme A 1985 (ABN 94 615 635 536)
- Smartsave 'Member's Choice' Superannuation Master Plan (ABN 43 905 581 638)

and is the Responsible Entity for:

- Mantra Hindmarsh Square Managed Investment Scheme (ARSN 089 814 193)
- The Tidswell Investment Plan (ARSN 093 115 685)
- The Direct Mortgage Managed Investment Scheme (ARSN 095 540 659)
- The Pooled Mortgage Managed Investment Scheme (ARSN 095 540 597)
- The Commonwealth House Unit Trust (ARSN 099 744 000)

and the Policy Owner and administrator of:

- Tidswell Risk Protection Plan

## 1. Compliance

Tidswell's Board has determined that the Company will, at all material times, comply with any and all requirements as set forth by such entities to which the Company is subject.

Accordingly, the Board of Tidswell has determined that the Company will meet the requirements of the Australian Privacy Principles of the Privacy Act 1988 as encapsulated in the Australian Privacy Principles issued by the Office of the Australian Information Commissioner – APP guidelines, Version 1.0, dated February 2014, which came into effect on 12 March 2014.

## 2. Purpose

The principal purpose of this Board Policy Statement No. 5 is to set forth the Board's Policy Framework for meeting the requirements of the above stated Australian Privacy Principles.

As a corollary thereto, this document sets out the procedures to be followed by all members of staff in the event of receiving a complaint/inquiry from a client.

The effective date of this document is 12 March 2014 and is applicable to all client information received following this date. Accordingly, this Board Policy rescinds and replaces any and all earlier Policies relied upon to determine Privacy matters.

## 3. Definitions

There are, in essence, five important privacy concepts which are intrinsic to our understanding of both the legislation and the privacy principles and these are delineated hereunder in précis form only.

### Personal information

Personal information refers to any information that is recorded by which an individual may be identified.

### Sensitive information

Sensitive information refers to an individual's racial or ethnic origin, political opinions, membership held in any association/s, religious beliefs, sexual preferences and/or proclivities, criminal records or health records.

### Collection of information

The collection of personal information refers to any method of gathering and recording such information from any source, reliable or otherwise.

### Primary/Secondary purpose

A **primary purpose** for collecting information relates to the basic personal information required to render a service to that person.

A **secondary purpose** for collecting information relates to sensitive information (e.g., health information) required for insurance purposes.

### Consent

With the exception of mandatory disclosure (such as disclosure to the Australian Taxation Office) the client's informed consent should always be sought for any and all other disclosures.

## 4. Philosophy

Handling a client's information appropriately and effectively is an art which requires the fine balance between interpersonal skills and effective communication. Accordingly, the following factors represent Tidswell's philosophy on the handling of clients' details:

- 1) The manner in which information is dealt with is of paramount importance.
- 2) Each client deserves respect and, to the degree that respect, courtesy and a willingness to take the client's personal details seriously is communicated, the better the rapport between the client and Tidswell. It should be noted that it is not the handling of information per se but the way in which the client is treated that is more likely to lead to a satisfactory outcome.
- 3) Each member of staff has a duty of care in the area of Privacy. Whilst there may be many legal interpretations apposite the words "duty of care", the best way in which to discharge that duty is to care for the client in the same way as you would like to be cared for if the roles were reversed.
- 4) Key words, therefore, in this delicate matter of handling a client's details, are: courtesy, respect and empathy.

## 5. Governance

The Board of Tidswell has approved this Policy Statement and will also provide oversight of this Policy including any amendments thereto.

## 6. Privacy Officer

The Board of Tidswell has appointed Dr Willem Boere as the Privacy Officer. The Privacy Officer will have the following responsibilities:

- 1) Reporting to management and the Board on a monthly basis. The Trustee needs to be kept abreast not only of complaints received and resolved in relation to Privacy, but also of any trends, systemic inadequacies, potential future problems occasioned by either the trends or the systemic inadequacies and the overall performance of the entities for which it is responsible within the boundaries of all applicable legislation and those bodies to whom it is subject; e.g., APRA, ASIC, AUSTRAC and the ATO.
- 2) Being the subject matter expert on privacy handling.
- 3) Monitoring compliance of the Company/Staff with this Policy.
- 4) Ensuring that procedures comply with the document delineated herein above at BPS 5.1 Compliance.
- 5) Providing leadership, education and assistance to the Company in relation to this Policy Statement.
- 6) Assessing the requirement for additional systems so as to provide an effective procedure in the handling of clients' personal information.
- 7) Assisting with investigations of complex issues.
- 8) Overseeing corrective actions or process improvements relevant to this Policy.
- 9) Ensuring adequate training is provided on an on-going basis including role specific training.

## 7. General Principles

Pursuant to the Australian Privacy Principles issued by the Office of the Australian Information Commissioner – APP guidelines, Version 1.0, dated February 2014 and, in particular, Australian Privacy Principle 1.3, the following are set in place:

### General

Adherence to BPS 7.1 General Principles is mandatory.

### Commitment

Tidswell requires an active commitment to the adoption, integration and dissemination of this Board Policy Statement.

### Capacity

The Board is committed to making available sufficient resources apposite this Board Policy Statement for planning, design, development, implementation, maintenance and improvement of this Policy and for managing the aforementioned undertakings effectively and efficiently.

### Visibility

This Board Policy is to be well publicized to clients, staff and other interested parties.

### Accessibility

All interested parties should have ready and unhindered access to this Policy and special needs (e.g. blind persons) are to be accommodated.

### Responsiveness

Tidswell is duty bound to be responsive to the needs of its clients and interested parties.

### Accuracy

Tidswell must ensure that this Policy and information about this Policy is, at all times, accurate, verifiable and not misleading and, above all, in compliance with relevant statutory and regulatory requirements.

### Accountability

All members of staff are accountable to this Policy for any reporting, actions and decisions relevant this Policy.

### Improvement

The continual improvement of all privacy handling processes and the quality of privacy delivered must be regularly reviewed for improvement as uncovered.

## 8. Australian Privacy Principles

Pursuant to Chapters 1 to 13 of the Australian Privacy Principles (**APPs**) issued by the Office of the Australian Information Commissioner – APP guidelines, Version 1.0, dated February 2014, the following reflect Tidswell’s Policy and Procedures for the Handling of Privacy:

### APP 1 Open and transparent management of personal information

Tidswell must manage personal information relevant its clients in an open and transparent way.

### APP 2 Anonymity and pseudonyms

Tidswell must permit persons to have the option of dealing with the Company anonymously or by a pseudonym. Notwithstanding, Tidswell reserves the right to explain that such an arrangement will seriously hamper its ability to render appropriate services to the client and, in certain suspicious circumstances, Tidswell may refuse to render such an option to the person.

### APP 3 Collection of solicited personal information

Tidswell will distinguish between collecting solicited personal information and receiving unsolicited personal information. In practical terms this means:

- 1) Tidswell may only solicit and collect personal information that is reasonably necessary for, or directly related to, one or more of its functions or activities;
- 2) Tidswell may only solicit and collect personally sensitive information if the client/person consents thereto unless an exception applies; and
- 3) Tidswell may only solicit and collect personal information by lawful and fair means and directly from an individual unless an exception applies.

### APP 4 Dealing with unsolicited, personal information

Where Tidswell receives unsolicited personal information, Tidswell must decide:

- 1) If the information could have been collected under APP 3.
- 2) If APP 3 did not apply, then Tidswell must decide whether to:
  - a) Destroy the information;
  - b) De-identify the information; or
  - c) Retain the information under APPs 5-13.

### APP 5 Notification of the collection of personal information

Tidswell must take reasonable steps to notify its clients of the type of information that is held upon its files about the person.

### APP 6 Use or disclosure of personal information

Tidswell can only use or disclose personal information for the purposes for which it was collected (called the “**primary purpose**”) or, in relation to a secondary use, in a manner that would be reasonably expected by an individual or where exceptions apply (called the “**secondary purpose**”).

### APP 7 Direct Marketing

Tidswell must not use or disclose any personal information it holds for the purpose of direct marketing unless an exception applies.

### APP 8 Cross-border disclosure of personal information

Where Tidswell needs to disclose personal information to an overseas recipient, it is incumbent upon Tidswell to ensure that the overseas recipient does not and will not breach the APPs.

### APP 9 Adoption, use or disclosure of government identifiers

Tidswell must not adopt, use or disclose a government related identifier, e.g., a Tax File Number or a Medicare Number etc., unless an exception applies.

### APP 10 Quality of personal information

Tidswell must ensure that the personal information it holds is accurate, up-to-date and complete. Tidswell must ensure that the personal information it holds is accurate, up-to-date and complete.

### APP 11 Security of personal information

Tidswell must take active measures to ensure the security of the personal information it holds upon its files and actively consider whether it is permitted to retain the personal information it holds. In practical terms this means:

Tidswell must protect personal information it holds from misuse, interference, and loss as well as unauthorised access, modification or disclosure.

Where Tidswell no longer needs the personal information it holds, Tidswell must take reasonable steps to destroy or de-identify the information unless the information is part of a Commonwealth record or Tidswell is required by law or a Court Order to retain the information.

### APP 12 Access to personal information

Tidswell must grant permission to an individual for whom it holds personal information to have reasonable access to that information on request; notwithstanding, there may be those occasions when Tidswell can deny such access in consultation with a Director or the Privacy Officer.

### APP 13 Correction of personal information

Tidswell must take reasonable steps to correct personal information so as to ensure that it is accurate, up-to-date, relevant and not misleading.

## **9. Document relied upon**

In the preparation and engrossing of this Board Policy Statement, the following document has been relied upon:

The Australian Privacy Principles issued by the Office of the Australian Information Commissioner – APP guidelines, Version 1.0, dated February 2014, which came into effect on 12 March 2014.

## **Contact us**

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