

Your privacy is important to us and we are committed to being open and transparent about how we manage personal information. This helps build community trust and confidence in our organisation. Your Personal Information may be collected by us for the purposes of providing you a service. If you have any concerns on how we manage your Personal Information, please refer to the Complaints section of this policy or speak to your Adviser.

The Privacy Policy (the Policy) is divided into the following sections. You can move to each section by clicking onto the hyperlinked text below:

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## Who we are

In the Policy, references to 'we', 'our', 'us', 'Pathways' (as applicable), are references to MRC Financial Advice Pty Ltd trading as Pathways Financial Advice Pty Ltd (AFSL Number 520249, ABN: 58 636 335 227) and to its Authorised Representatives.

Pathways is a financial services company that holds an Australian Financial Services License (AFSL) providing life insurance, wealth management and financial planning advice solutions in Australia. We are bound by the provisions of the [Privacy Act 1988](#) and the Australian Privacy Principles.

Authorised Representatives are those individuals licensed by Pathways (and registered with ASIC) as suitably qualified to provide financial advice to individuals and small businesses. Some may be employees of small practices, or principals of those practices.

## Definitions

**Authorised Representative** means an Authorised Representative defined in the [Corporations Act 2001 \(Cth\)](#).

**Adviser, Financial Planner or Financial Adviser** are given the same meaning in the Policy as Authorised Representative.

**Financial Service** means the provision of financial advice and/or dealing in financial products such as life insurance, superannuation and retirement income, managed investments and financial planning services and financial product advice.

**Personal Information** means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether true or not, and whether recorded in a material form or not.

**Sensitive Information** means information or an opinion about an individual's:

- racial or ethnic origin;
- political opinions or membership of a political association;
- religious or philosophical beliefs or affiliations;
- membership of a professional or trade association or trade union;
- sexual orientation or practices; or
- criminal record

that is also Personal Information, or:

- health information about an individual;
- genetic information about an individual that is not otherwise health information;
- biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- biometric templates.

## The Policy

The Policy applies to Pathways, our employees, and our Authorised Representatives and their staff.

The Policy sets out how we manage your Personal Information. We respect the privacy of any Personal Information we collect about you and we are committed to ensuring that this is handled in accordance with the provisions of the [Privacy Act 1988](#), the Australian Privacy Principles and any other applicable privacy related laws.

Where there is specific legislation, this will generally govern how we use Personal Information despite the provisions of the [Privacy Act 1988](#). For example, for certain Financial Services, we are required to collect your tax file number and provide that information to the Australian Taxation Office.

Additionally, individuals located in the European Union may also have rights under EU based rules known as the General Data Protection Regulation (GDPR). The GDPR has harmonised the data privacy laws of each individual EU country, giving more rights to individuals located in the EU and more obligations holding their personal information.

The Policy will be reviewed from time to time or whenever there has been a change to the law or a change in our operations and practices regarding the maintenance of privacy.

The Policy is specific to the services we provide under our Australian Financial Services License. It has been written specifically for clients of Pathways because of the unique relationship Advisers have with their clients.

## Your Privacy

### Collection of Personal Information

Advisers have a legal obligation to provide appropriate advice, and act in the best interests of their clients. The extent of information they require from you may vary, however it often involves information required to establish your personal circumstances. The information they collect is necessary not only to provide appropriate advice, but also to complete any transactions on your behalf with various product issuers, such as superannuation funds and life insurers. These can be services provided over the short term, however they are often part of a long term relationship with an Adviser.

Collecting Personal Information also allows us to meet Australian and international legal or regulatory obligations that we, or product providers, might have to identify our customers. These may include, but are not limited to, our obligation to identify and verify clients under the [Anti-Money Laundering & Counter Terrorism Financing Act 2006](#) or provide information to the US government if a client is considered a US resident for tax purposes under the [US Foreign Account Tax Compliance Act](#).

### Collection of Personal Information from Others

In some instances, your information may also need to be collected from third parties such as your employer if you are a member of a corporate superannuation plan, or from your accountant, mortgage broker or solicitor. It may also be provided to, or received from, third parties to enable a secondary service, such as when you are referred to a solicitor for estate planning purposes. If these third parties approach us and request your Personal Information, we will ask for your consent before it is provided.

## Relatives, Dependants and Other Individuals

To enable us to provide financial planning advice and services, often we will record information regarding your relevant personal circumstances, which may include information regarding your family situation, your partner, dependants, beneficiaries, and children. This information will only be gathered where it is necessary to provide you services, such as financial planning advice, for example, where members of your family may become beneficiaries to your life insurance policy or superannuation fund. You are not obligated to provide this information; however, it may affect the quality of, or restrict the services provided to you.

Where this information is reasonably required from you, and you willingly provide it, we expect and *assume that you have their consent* to provide this information to us.

In these circumstances, you need to ensure that they are aware:

- That you have provided their personal information to us
- That they understand who we are and how they can contact us
- That they may access the Personal Information that we hold about them
- Of the purposes for which you provided their Personal Information to us
- That their Personal Information will be handled in accordance with this Policy, and
- That they can refer to this Policy for further information.

## Use and Disclosure of Personal Information

### How do we use your Personal Information?

The Personal Information we hold is used for the primary purpose of providing you financial planning advice services as well as reviewing your ongoing needs. We may also use your Personal Information for related secondary purposes such as: enhancing our customer service and product options; communicating with you regarding the products and services you have with us; handling your complaints; providing you with ongoing educational information including newsletters; and providing you with marketing material that we believe may be relevant to your financial needs and circumstances. Where the secondary purpose is unrelated to the primary purpose for which you have sought our services, we will ask for your consent. You may provide your consent in writing, or via telephone.

Depending on the product or service concerned, your Personal Information may be disclosed to:

- Other areas within the Pathways Group, who provide financial and other related services.
- Advisers, brokers, and those who are authorised by us to review your needs and circumstances from time to time.
- Service providers and specialist Advisers to us who have been contracted to provide Pathways with administrative, financial, insurance, accounting, legal, information technology, research, or other services.
- Other insurers, credit providers, courts, tribunals, and regulatory authorities as agreed or authorised by law.
- Credit reporting or reference agencies or insurance investigators.
- AUSTRAC, the government agency who oversees Anti-Money Laundering and Counter Terrorism Financing. Before we arrange the provision of products or services for you, we are required to validate your identity. We will request and copy some personal documents for that purpose. We are also required to report details of entities and certain transactions where we hold reasonable suspicion of reportable suspect matters.
- Product or service providers who have an obligation to disclose information to the Australian Tax Office (ATO) where the ATO has agreements to share information with overseas tax authorities.
- External dispute resolution bodies such as the Australian Financial Complaints Authority who would handle your dispute.

Generally, we require that organisations outside Pathways who handle or obtain Personal Information as service providers acknowledge the confidentiality of this information, undertake to respect any individual's

right to privacy, and comply with the privacy laws.

### **Independent service providers**

The Advisers authorised by us may individually engage (or via us) independent service providers to assist them in providing services to you. These services may range from contracting staff for providing back office duties and administering client relationship management systems, to more complex tasks such as accessing direct share advice (on your behalf) from specialist share brokerage firms.

We expect these independent service providers to comply with the Policy and the privacy laws and regulations applicable to their jurisdiction.

### **Sensitive Information is subject to greater restrictions**

Some Personal Information we hold is classed as Sensitive Information. Sensitive Information may have further restrictions on its disclosure.

Sensitive Information is usually required for personal insurance applications, to manage claims on those products and may also be relevant to credit and other applications. Sensitive Information will only be used and disclosed for the purposes for which it was provided, unless you specifically agree otherwise, or the use or disclosure of this information is allowed by law.

We will only collect Sensitive Information from you where it is reasonably necessary for us to require this information to provide the service to you. It will only be collected with your consent, or in limited other circumstances specified under privacy laws.

Unless we have your consent, we cannot use or disclose Sensitive Information about you for any purpose other than the primary purpose of the collection or a directly related secondary purpose (unless we are permitted to disclose this information under the law); nor can it be shared by related bodies corporate in the same way that they may share other Personal Information. Documents asking for Sensitive Information will explain this.

### **Marketing Material**

From time to time, Pathways (and its related entities) may promote opportunities or products that we believe may be relevant to your financial needs and circumstances. You can inform us if you do not wish to receive marketing material from us.

The ability to 'opt-out' does not include important disclosure documents and letters your Adviser may send to you that include portfolio updates on your current investments, an offer of review, or other communications required to be provided as part of an Adviser's general obligations. Please allow up to 60 days for us to fully implement your "opt-out" request.

### **Information Security**

#### **How does Pathways keep my Personal Information secure and for how long is it kept?**

We take all reasonable steps to ensure that your Personal Information is kept secure and is protected from misuse, loss and unauthorised access, modification and disclosure. If we have your Personal Information accessible on the secure member sections of our website, we will ensure that this information is protected.

We retain your Personal Information for as long as we need it to provide the Financial Services you have requested from us and, in some circumstances, to comply with other statutory requirements. For example, under the [Corporations Act 2001 \(Cth\)](#), we are obligated to retain a client's 'financial planning file' for a period of 7 years from the date of our last provision of service. As required under the privacy law, we will take reasonable steps to permanently de-identify or destroy Personal Information that is no longer needed.

Safeguarding the privacy of your information is important to us, whether you interact with us personally, by

phone, mail, over the Internet, or other electronic medium. We train our employees, Advisers and their staff who handle Personal Information to respect the confidentiality of client information and the privacy of individuals.

**Pathways** has appointed a Privacy Officer to ensure that the management of Personal Information is in accordance with the Policy and the Privacy Act 1988.

### **Cross-border Disclosure of Personal Information (overseas recipients)**

While providing you with Financial Services, we may engage in the services of organisations based overseas, or organisations based in Australia that utilise services themselves from overseas. Some of the organisations to which we may disclose your Personal Information may be located outside Australia, including New Zealand, Japan, South Africa (XPLAN), USA (DropBox, OneDrive), Serbia, member states of the European Union, India, Vietnam, Malaysia, Singapore, Thailand, Sri Lanka, Cambodia, Hong Kong and the Philippines. Where Personal Information is disclosed to these overseas locations, we expect these organisations to comply with this Policy and any relevant privacy laws and regulations applicable to their jurisdiction.

### **Dealing with breaches**

We consider breaches of your privacy to be very serious. If this happens, we will ensure that appropriate investigation occurs in a timely fashion, and where necessary, apply appropriate consequence management and/or remediation (including dismissal in some cases).

We will be required to notify you and the Office of the Australian Information Commissioner (OAIC) if an 'eligible data breach' occurs in relation to your Personal Information that is held by us or another entity with whom we have shared your information. A data breach may occur if your Personal Information is lost or subjected to unauthorised access, modification, disclosure or other misuse or interference, and it is generally notifiable if there is a risk of 'serious harm' (for example, financial or reputational harm) to you due to the breach. This obligation extends to breaches that occur within Australia, and overseas.

We will also report any privacy breach as required under any other applicable laws.

## **Access and Correction**

### **Can I access my Personal Information?**

You have the right to access any Personal Information that we hold about you. You can ask us for access to Personal Information that we hold about you at any time. To do so, please call Pathways on 0433 338 895 or email the Privacy Officer at [matthew@gbafinancial.com.au](mailto:matthew@gbafinancial.com.au)

We will respond to your request within 30 days (unless unusual circumstances apply). We may charge a fee to cover the cost of verifying the application and locating, retrieving, reviewing, and copying any material requested. We will always check this with you first. If the information sought is extensive, we will advise you of the likely cost in advance and can help to refine your request if required.

We will provide you with access to Personal Information held about you except to the extent that we are permitted to refuse access in accordance with the Privacy Act 1988 and the Australian Privacy Principles. If we refuse to provide you with access to some information, we will provide you with our reasons in writing for doing so. If you have concerns, you may lodge a complaint.

### **Correction of Personal Information**

We will correct any Personal Information that we hold about you if we become aware that it is inaccurate, incomplete, out of date, irrelevant or misleading.

If you believe that the Personal Information we hold about you is inaccurate, incomplete, out of date, irrelevant or misleading, you can ask us to correct it and we will take reasonable steps to do so. If there are any instances where we cannot do this, we will let you know in writing.

If we disagree that the information is inaccurate, incomplete, or out of date, we will take reasonable steps to include a note on your record that you believe that such information is inaccurate, incomplete or out of date.

## Enquiries and Complaints

If you consider that any action by us breaches the Policy, the Australian Privacy Principles or otherwise fails to respect your privacy, you can make a complaint. Upon the lodgement of a complaint with us, you will receive an acknowledgement letter and an indication of the timeframe in which we will respond to your complaint.

We will try to resolve your complaint within 30 days. When this is not possible, we will inform you of the reasons for the delay and how long we believe it will take.

To make a complaint, please forward it in writing to:

Complaints Manager  
Pathways  
Email: [matthew@gbafinancial.com.au](mailto:matthew@gbafinancial.com.au)  
Phone: 0433 338 895

If you are not satisfied with our response to your complaint, you can escalate the matter to the Office of the Australian Information Commissioner (OAIC) to complain about the way we have handled your personal information.

The OAIC can be contacted at:

Office of the Australian Information Commissioner  
GPO Box 5218, Sydney NSW 2001  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Phone: 1300 363 992