



# Privacy Policy

EnlightenFS Pty Ltd ("Enlighten") is committed to providing professional services and respecting the privacy of your personal information. We are bound by the Australian Privacy Principles under the Privacy Act 2001.

This Privacy Policy explains how we will collect, store, verify, use and disclose the information we hold about you and the conditions under which your information may be accessed.

## Changes to our privacy policy

If at any time our Privacy Policy changes, the updated details will be available on our website (<https://enlightenfs.com.au/>). Any information we hold about you will be governed by the most current version of the privacy policy. Your continued use of our site, products and services indicates your acceptance of any changes.

## Your Personal Information

What Enlighten may collect:

When you apply for our products or services, we may ask for identification information. This could include your name, address, contact details and date of birth. We may also collect your tax file number if we are authorised to collect it, and if you choose to supply it.

Some of the information we collect is to ensure that we are able to meet other legislative requirements such as the Anti-Money Laundering and Counter-Terrorism Financing Act 2006.

How Enlighten collects Personal Information:

We collect personal information directly from you and, if authorised by you, from third parties also. You have a right to refuse authorisation for us to collect information from a third party.

How Enlighten uses your Personal Information:

Primarily, your personal information is used to provide you with products or services. We may also use the information that is related to the primary purpose, and it is reasonable for you to expect that information to be disclosed to assist us in providing you with the service.

Occasionally, we may provide you with direct marketing material. This will include articles and newsletters that may be of interest to you. We may only use sensitive information about you for direct marketing once we have received your consent.

Enlighten maintains records of the source of the personal information used for direct marketing and you have the right to request these details. We will endeavor to meet your request within two (2) weeks.

In compliance with the Anti-Hawking legislation, we maintain a register for those individuals not wanting to receive direct marketing materials.

When Enlighten can disclose your information:

In line with the business practices of many financial institutions, and to meet your specific needs, we may disclose your personal information to the following organisations:

- superannuation fund trustees, insurance providers, fund managers and other product providers in order to manage or administer your product or service,
- compliance consultants,
- temporary staff to handle workloads during peak periods,
- mailing houses,
- your professional advisers, including your solicitor or accountant as authorised by you,
- information technology service providers,
- Government and regulatory authorities, as required or authorised by law,
- another authorised representative of Enlighten, if necessary,
- a potential purchaser/organisation involved in the proposed sale of Enlighten's business for the purpose of due diligence, corporate re-organisation and transfer of all or part of the assets of the business. Disclosure will be made in confidence, and it will be a condition of that disclosure that no personal information will be used or disclosed by them,
- a new owner of the business that will require the transfer of your personal information.

Enlighten's employees and the outsourcing companies/contractors are obliged to respect the confidentiality of any personal information held by Enlighten.

The Corporations Act has provided the Australian Securities and Investments Commission (ASIC) with the authority to inspect certain personal information that is kept on Enlighten's files about you.

Enlighten takes its obligations to protect your information seriously, this includes if/when Enlighten operates throughout Australia and overseas, as part of its operations. Some uses and disclosures of your information may occur outside your State or Territory and/or outside of Australia.

In some circumstances we may need to obtain your consent before disclosure of your information outside Australia occurs.

How Enlighten stores and secures your Personal Information:

Enlighten keeps your personal information in your client files or electronically. These files are accessible to authorised personnel only and are appropriately secured and subject to confidentiality requirements.

Personal information will be treated as confidential information and sensitive information will be treated highly confidential.

It is a legislative requirement that Enlighten keeps all personal information and records for a period of seven (7) years. Should you cease to be our client, we will maintain your personal information on or off site in a secure manner for seven (7) years. After this period, the information will be appropriately destroyed.

Ensuring your Personal Information is correct:

Enlighten takes all reasonable precautions to ensure that the personal information collected, used and disclosed is accurate, complete and up to date. To ensure that we can maintain this level of accuracy and completeness it is recommended that, as soon as possible, you:

- Inform us of any errors in your personal information, and
- Update us with any changes to your personal information.

Receiving Unsolicited Information:

Enlighten does not usually collect unsolicited personal information. Where we received unsolicited personal information, it will be determined whether it would have been permissible to collect this information if it had been solicited. If Enlighten determines that collection would not have been permissible, to the extent permitted by law, the personal information will be appropriately destroyed or de-identified as soon as practicable.

Accessing your own Personal Information:

You have a right to access your personal information, subject to certain exceptions allowed by law. We ask that you provide a request in writing (for security purposes) and we will provide you with access to that personal information. Access to the requested personal information may include:

- Providing you with copies,
- Providing you with the opportunity for inspection, or
- Providing you with a summary.

If charges are applicable in providing access to you, these charges will be disclosed to you prior to providing the information.

Some exceptions exist where Enlighten will not provide you with access to your personal information, these include if:

- Providing access would pose a serious threat to the life or health of a person,
- Providing access would have an unreasonable impact on the privacy of others,
- The request for access is frivolous or vexatious,
- The information is related to existing or anticipated legal proceedings between Enlighten and a client and would not be discoverable in those proceedings,
- Providing access would reveal Enlighten's intentions in relations to negotiations with you in such a way as to prejudice those negotiations,
- Providing access would be unlawful,
- Denying access is required or authorised by or under law, and
- Providing access would be likely to prejudice certain operations by, or on behalf of, an enforcement body or an enforcement body requests that access not be provided on the grounds of national security.

Should we refuse you access to your personal information, a written explanation for that refusal will be provided.

## **Using Government Identifiers**

In certain circumstances, Enlighten is required to collect Government identifiers such as your tax file number (TFN), Medicare number or pension card number. Enlighten does not use or disclose this information other than when required or authorised by law or unless you have voluntarily consented to disclose this information to any third party.

## **Disclosure of your personal information**

In order to provide you with services, we may need to disclose your personal information to third parties. The organisations that we are likely to disclose information about you to include:

- a) to any of Enlighten's related entities;
- b) our agents, contractors and external service providers;
- c) to our professional advisers, auditors and insurers;
- d) your representatives;
- e) the Australian Financial Complaints Authority or Office of the Australian Information Commissioner;
- f) organisations involved in a transfer or sale of our assets or business;
- g) anyone to whom the disclosure is required or permitted under the Privacy Act, other Australian Law, Regulation or Court/Tribunal Order; and

h) anyone else where you have provided your consent.

We may disclose your personal information to overseas entities that we deal with in the course of our business. These recipients may be located in the following countries:

- India

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

- we have taken reasonable steps to ensure that the recipient does not breach the Act and the Australian Privacy Principles ('APPs'); or
- the recipient is subject to an information privacy scheme similar to the Privacy Act or
- you have 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.

### **Dealing with Enlighten Anonymously**

You can deal with us anonymously or by using a pseudonym where it is lawful and practicable to do so, for example, when telephoning to request publicly accessible information such as our postal address or operating hours.

It would not be lawful to access our products or services anonymously or by using a pseudonym.

### **Your Sensitive Information**

Without your consent, Enlighten will not collect information about you that reveals your racial or ethnic origin, political opinions, religious or philosophical beliefs or affiliations, memberships of professional or trade associations, membership of a trade union, details of health, disability, sexual orientation, or criminal record.

This is subject to some exceptions, including if the collection is required by law or when the information is necessary for the establishment, exercise, or defence of a legal claim.

### **Enlighten's Website**

Enlighten's website may provide links to third-party websites. If you disclose personal information to these third-party sites, the use of your information by these third-parties is not within Enlighten's control and Enlighten cannot accept responsibility for the conduct of these organisations. Other websites are not subject to Enlighten's privacy standards. You will need to contact or review those websites directly to ascertain their privacy policies.

You may register on Enlighten's website to receive newsletters and other information, and by doing so, your name and email address will be collected and stored on

Enlighten's database. We will take care to ensure that the personal information you provide on our website is protected by having electronic security systems in place, including the use of firewalls and data encryption.

If you do not wish to receive any further information from Enlighten, or you wish to update your registration details, please email your request directly to us. We will endeavour to meet your request within five (5) business days.

Our website utilises cookies to provide you with a better user experience. Cookies also allow Enlighten to identify your browser while you are using the site – the cookies do not identify you personally. If you do not wish to receive cookies, you can instruct your web browser to refuse these cookies.

## **Spam Policy**

Spam is a generic term used to describe electronic 'junk mail' – unwanted messages sent to a person's email account or mobile phone. In Australia, spam is defined as "unsolicited commercial electronic messages".

Electronic messaging covers emails, instant messaging (IM), SMS and other mobile phone messaging, but it does not cover normal voice-to-voice communications by telephone.

Enlighten complies with the provisions of the Spam Act 2003 when sending commercial electronic messages. In addition, Enlighten is also bound by its own internal Anti-Hawking Policy.

The Spam Act 2003 specifies that the person's consent has been withdrawn within five (5) working days from the date that an 'unsubscribe' request was sent (in the case of electronic unsubscribe messages) or delivered (in the case of unsubscribe messages sent by post or other means).

Enlighten follows the following steps when using electronic messaging:

1. Consent – only commercial electronic messages are sent with the addressee's consent, either inferred or expressed consent.
2. Identify – electronic messages will include clear and accurate information about the person and the Enlighten contact that is responsible for sending the commercial electronic message.
3. Unsubscribe – Enlighten ensures that a functional unsubscribe facility is included in all its commercial electronic messages and deals with unsubscribe requests promptly.

## **Commercial Communications with a Forwarding Facility (Viral Messages)**

Enlighten ensures that Commercial Communications that include a Forwarding Facility comply with the law by containing a clear recommendation. This recommendation is that the Recipient should only forward the Commercial Communication to persons with whom they have a relationship, and where that relationship means that the person could be said to have consented to receive Commercial Communications.

## **Complying with the Age Sensitive Content of Commercial Communication**

Where the content of a Commercial Communication seeks to promote or inspire interaction with a product, service or event that is age-sensitive, Enlighten takes reasonable steps to ensure that such content is sent to Recipients who are legally entitled to use or participate in the product, service, or event.

## **Related Laws and Regulations**

There may be times when other legislation or obligations override the obligation in the Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012. These include, but are not limited to:

- The Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act), where Enlighten is required to report to suspicious matters and large money transactions AUSTRAC.
- Regulatory Guide 78 *Breach reporting by AFS licensees*, where Licensees are required to report any breach or potential breach to ASIC
- Mandatory reporting requirements during a Disaster Recovery event or in the event of a Cyber breach as detailed in the Corporations Act 2001
- Requirement with regards to ATO requests

## **Privacy Complaints Process**

Clients may contact Enlighten's Privacy Officer if they wish to complain about any breach or potential breach of their privacy rights. Your complaint will be responded to within seven (7) days. Enlighten's Privacy Officer will investigate the issue and determine steps to undertake to resolve your complaint.

Enlighten's Privacy Officer will contact you if any additional information is required from you and will notify you in writing of the determination.

Compliance Manager:

Address: 10/3 Hampton Court, Joondalup WA 6027

Email: [sarit@enlightenfs.com.au](mailto:sarit@enlightenfs.com.au)

Website: [www.enlightenfs.com.au](http://www.enlightenfs.com.au)

If you are not satisfied with the outcome of your complaint, you are entitled to contact the Office of the Australian Information Commissioner.

Office of the Australian Information Commissioner

1300 363 992, online at

[www.oaic.gov.au](http://www.oaic.gov.au)

GPO Box 5218 Sydney NSW 2001