

Privacy Policy

Butler & Butler Investment Services Pty Ltd

Company:	Butler & Butler Investment Services Pty Ltd
ACN:	92 053 326 944
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Date Updated:	30 September 2023

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VERSION CONTROL

Version Number	Date Updated	Notes
1	30 September 2023	Original document prepared and finalised.

SECTION A – INTRODUCTION

1. INTRODUCTION

- 1.1 As part of Butler & Butler Investment Services Pty Ltd’s process to ensure that it continues to maintain the highest levels of professional integrity and ethical conduct, Butler & Butler Investment Services Pty Ltd has adopted this Privacy Policy (“**Policy**”) to manage personal information in an open and transparent manner.
- 1.2 The provisions of this Policy will assist Butler & Butler Investment Services Pty Ltd in complying with the requirements of the *Privacy Act 1988* (Cth) (“**Privacy Act**”) and the Australian Privacy Principles in protecting the personal information Butler & Butler Investment Services Pty Ltd holds about its clients.

2. WHEN DOES THIS POLICY APPLY?

- 2.1 This Policy applies to all representatives and employees of Butler & Butler Investment Services Pty Ltd at all times and the requirements remain in force on an ongoing basis.

3. GLOSSARY

TERM	DEFINITION
APP entity	means an agency or organisation as defined in section 6 of the Privacy Act.
Australian law	means (a) an Act of the Commonwealth or of a State or Territory; or (b) regulations, or any other instrument, made under such an Act; or (c) a Norfolk Island enactment; or (d) a rule of common law or equity.
Collects	Butler & Butler Investment Services Pty Ltd collects personal information only if Butler & Butler Investment Services Pty Ltd collects the personal information for inclusion in a record or generally available publication.
Court/tribunal order	means an order, direction or other instrument made by: (a) a court; or (b) a tribunal; or (c) a judge (including a judge acting in a personal capacity) or a person acting as a judge; or (d) a magistrate (including a magistrate acting in a personal capacity) or a person acting as a magistrate; or (e) a member or an officer of a tribunal; and includes an order, direction or other instrument that is of an interim or interlocutory nature.

De-identified	personal information is <i>de-identified</i> if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.
Eligible Data Breach	An eligible data breach occurs: <ul style="list-style-type: none"> (a) where there has been unauthorised access or unauthorised disclosure of personal information, or a loss of personal information, that Butler & Butler Investment Services Pty Ltd holds; and (b) the unauthorised access or unauthorised disclosure is likely to result in serious harm to one or more clients; and (c) Butler & Butler Investment Services Pty Ltd is not able to prevent the likely risk of serious harm with remedial action.
Holds	Butler & Butler Investment Services Pty Ltd <i>holds</i> personal information if it has possession or control of a record that contains the personal information.
Identifier of an individual	means a number, letter or symbol, or a combination of any or all of those things, that is used to identify the individual or to verify the identity of the individual, but does not include: <ul style="list-style-type: none"> (a) the individual's name; or (b) the individual's ABN (within the meaning of the <i>A New Tax System (Australian Business Number) Act 1999</i>); or (c) anything else prescribed by the regulations.
Permitted general situation	As defined in s16A of the Privacy Act
Permitted health situation	As defined in s16B of the Privacy Act
Personal information means	means information or an opinion about an identified individual, or an individual who is reasonably identifiable: <ul style="list-style-type: none"> (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not.
Sensitive information	means <ul style="list-style-type: none"> (a) information or an opinion about an individual's: <ul style="list-style-type: none"> (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or

	<p>(viii) sexual orientation or practices; or</p> <p>(ix) criminal record;</p> <p>that is also personal information; or</p> <p>(b) health information about an individual; or</p> <p>(c) genetic information about an individual that is not otherwise health information.</p> <p>(d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or</p> <p>(e) biometric templates.</p>
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SECTION B – CONSIDERATION OF PERSONAL INFORMATION PRIVACY

4. PRIVACY STATEMENT

- 4.1 Butler & Butler Investment Services Pty Ltd.'s Compliance Officer &/or Responsible Officer must ensure that at all times the provisions of this policy are implemented in the day to day running of Butler & Butler Investment Services Pty Ltd.
- 4.2 Compliance Officer &/or Responsible Officer must ensure that at all times this Policy:
- (a) is current and reflects the latest applicable Australian laws; and
 - (b) contains the following information:
 - (i) the kinds of personal information that Butler & Butler Investment Services Pty Ltd collects and holds;
 - (ii) how Butler & Butler Investment Services Pty Ltd collects and holds personal information;
 - (iii) the purposes for which Butler & Butler Investment Services Pty Ltd collects, holds, uses and discloses personal information;
 - (iv) how an individual may complain about a breach of the Australian Privacy Principles, or other relevant legislation that binds Butler & Butler Investment Services Pty Ltd, and how Butler & Butler Investment Services Pty Ltd will deal with such a complaint;
 - (v) whether Butler & Butler Investment Services Pty Ltd is likely to disclose personal information to overseas recipients;
 - (vi) if Butler & Butler Investment Services Pty Ltd is likely to disclose personal information to overseas recipients, the countries in which such recipients are likely to be located if it is practicable to specify those countries in this policy.
- 4.3 Butler & Butler Investment Services Pty Ltd must ensure that the Butler & Butler Investment Services Pty Ltd.'s Privacy Statement is available free of charge and in such form as appropriate. Butler & Butler Investment Services Pty Ltd will make the Privacy Statement available on its website.

- 4.4 If the Privacy Statement is requested in a particular form, Butler & Butler Investment Services Pty Ltd will take such steps as are reasonable to provide the Privacy Statement in the form requested.

SECTION C – COLLECTION OF PERSONAL INFORMATION (SOLICITED PERSONAL INFORMATION)

5. PERSONAL INFORMATION (OTHER THAN SENSITIVE INFORMATION)

- 5.1 This Section C applies to the collection of personal information that is solicited by Butler & Butler Investment Services Pty Ltd.
- 5.2 Butler & Butler Investment Services Pty Ltd must not collect personal information (other than sensitive information) unless the information is reasonably necessary for one or more of Butler & Butler Investment Services Pty Ltd.'s functions or activities.
- 5.3 Butler & Butler Investment Services Pty Ltd.'s functions or activities include but are not limited to:
- (a) life insurance products protecting against risks,
 - (b) investment products to build wealth,
 - (c) superannuation and retirement income products to provide for retirement,
 - (d) banking and other services to provide deposit and credit facilities,
 - (e) financial planning advice and other services to help individuals understand their financial needs and make financial and investment decisions,
 - (f) management of investment assets such as shares, property (including shopping centres), fixed interest and cash.

6. SENSITIVE INFORMATION

- 6.1 Butler & Butler Investment Services Pty Ltd must not collect sensitive information about an individual unless:
- (a) the individual consents to the collection of the information and the information is reasonably necessary for one or more of Butler & Butler Investment Services Pty Ltd.'s functions or activities (as described in section 5.3); or
 - (b) the collection of the information is required or authorised by or under an Australian law or a Court/Tribunal order; or
 - (c) a permitted general situation exists in relation to the collection of the information by Butler & Butler Investment Services Pty Ltd; or
 - (d) a permitted health situation exists in relation to the collection of the information by Butler & Butler Investment Services Pty Ltd.

7. MEANS OF COLLECTION

- 7.1 Butler & Butler Investment Services Pty Ltd must only collect personal information by lawful and fair means.
- 7.2 Butler & Butler Investment Services Pty Ltd must only collect personal information about an individual from the individual (rather than someone else) unless it is unreasonable or impracticable to do so or the individual has instructed Butler & Butler Investment Services Pty Ltd to liaise with someone else.
- 7.3 Butler & Butler Investment Services Pty Ltd will collect personal information from an individual when:
- (a) Butler & Butler Investment Services Pty Ltd.'s Date collection form is completed,
 - (b) a Client provides the information to Butler & Butler Investment Services Pty Ltd.'s representatives over the telephone or via email;
 - (c) a Client provides the information to Butler & Butler Investment Services Pty Ltd via electronic means or website;
 - (d) [insert other].

8. INFORMATION COLLECTED BY Butler & Butler Investment Services Pty Ltd

- 8.1 The information Butler & Butler Investment Services Pty Ltd collects may include the following:
- (a) name;
 - (b) date of birth;
 - (c) postal or email address; or
 - (d) phone numbers;
 - (e) other information Butler & Butler Investment Services Pty Ltd considers necessary to their functions and activities.

9. PURPOSE OF COLLECTION

- 9.1 If an individual is acquiring or has acquired a product or service from Butler & Butler Investment Services Pty Ltd, the individual's personal information will be collected and held for the purposes of:
- (a) checking whether an individual is eligible for Butler & Butler Investment Services Pty Ltd's product or service;
 - (b) providing the individual with Butler & Butler Investment Services Pty Ltd's product or service;
 - (c) managing and administering Butler & Butler Investment Services Pty Ltd's product or service;

- (d) protecting against fraud, crime or other activity which may cause harm in relation to Butler & Butler Investment Services Pty Ltd's products or services;
- (e) complying with legislative and regulatory requirements in any jurisdiction;
- (f) to assist Butler & Butler Investment Services Pty Ltd in the running of its business.

9.2 Butler & Butler Investment Services Pty Ltd may also collect personal information for the purposes of letting an individual know about products or services that might better serve their needs or other opportunities in which they may be interested. Please refer to Section G for further information.

SECTION D – COLLECTION OF PERSONAL INFORMATION (UNSOLICITED PERSONAL INFORMATION)

10. DEALING WITH UNSOLICITED PERSONAL INFORMATION

10.1 If Butler & Butler Investment Services Pty Ltd:

- (a) receives personal information about an individual; and
- (b) the information is not solicited by Butler & Butler Investment Services Pty Ltd

Butler & Butler Investment Services Pty Ltd must, within a reasonable period after receiving the information, determine whether or not it was permitted to collect the information under Section C above.

10.2 Butler & Butler Investment Services Pty Ltd may use or disclose the personal information for the purposes of making the determination under paragraph 10.1.

10.3 If Butler & Butler Investment Services Pty Ltd:

- (a) determines that it could not have collected the personal information; and
- (b) the information is not contained in a Commonwealth record,

Butler & Butler Investment Services Pty Ltd must as soon as practicable, destroy the information or ensure that the information is de-identified, only if it is lawful and reasonable to do so.

SECTION E – NOTIFICATION OF THE COLLECTION OF PERSONAL INFORMATION

11. NOTIFICATION OF COLLECTION

11.1 This section 11 applies to:

- (a) solicited information; and
- (b) unsolicited information to which section 10 does not apply.

11.2 Butler & Butler Investment Services Pty Ltd must notify the individual of the following matters in the Privacy Statement:

- (a) Butler & Butler Investment Services Pty Ltd.'s identity and contact details;
- (b) if Butler & Butler Investment Services Pty Ltd collects the personal information from a third party or the individual is not aware that Butler & Butler Investment Services Pty Ltd has collected the personal information, the fact that Butler & Butler Investment Services Pty Ltd so collects, or has collected the information and the circumstances of that collection;
- (c) if the collection of the personal information is required or authorised by or under an Australian law or a Court/Tribunal order, the fact that the collection is so required or authorised (including the details of the law or court);

- (d) the purposes for which Butler & Butler Investment Services Pty Ltd collects the personal information;
- (e) the main consequences (if any) for the individual if the information is not collected by Butler & Butler Investment Services Pty Ltd;
- (f) any other entities to which Butler & Butler Investment Services Pty Ltd usually discloses personal information of the kind collected by Butler & Butler Investment Services Pty Ltd;
- (g) that Butler & Butler Investment Services Pty Ltd's Privacy Statement and this Privacy Policy contains information about how the individual may access the personal information about the individual that is held by Butler & Butler Investment Services Pty Ltd and seek correction of such information;
- (h) that Butler & Butler Investment Services Pty Ltd's Privacy Statement contains information about how the individual may complain about a breach of the Australian Privacy Principles and how Butler & Butler Investment Services Pty Ltd will deal with such a complaint;
- (i) whether Butler & Butler Investment Services Pty Ltd will disclose the personal information to overseas recipients; and
- (j) if Butler & Butler Investment Services Pty Ltd discloses the personal information to overseas recipients – the countries in which such recipients will be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

SECTION F – USE OR DISCLOSURE OF PERSONAL INFORMATION

12. USE OR DISCLOSURE

12.1 Where Butler & Butler Investment Services Pty Ltd holds personal information about an individual that was collected for a particular purpose (“**the primary purpose**”), Butler & Butler Investment Services Pty Ltd must not use or disclose the information for another purpose (“**the secondary purpose**”) unless:

- (a) the individual has consented to the use or disclosure of the information; or
- (b) the individual would reasonably expect Butler & Butler Investment Services Pty Ltd to use or disclose the information for the secondary purpose and the secondary purpose is:
 - directly related to the primary purpose (if the information is sensitive information); or
 - related to the primary purpose (if the information is *not* sensitive information);
- (c) the use or disclosure of the information is required or authorised by or under an Australian law or a Court/Tribunal order; or
- (d) a permitted general situation exists in relation to the use or disclosure of the information by Butler & Butler Investment Services Pty Ltd; or

- (e) Butler & Butler Investment Services Pty Ltd reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

12.2 Where Butler & Butler Investment Services Pty Ltd uses or discloses personal information in accordance with section 12.1(e), Butler & Butler Investment Services Pty Ltd will keep a copy of this disclosure (e.g.: the email or letter used to do so).

12.3 This section 12 does not apply to:

- (a) personal information for the purposes of direct marketing; or
- (b) government related identifiers.

12.4 If Butler & Butler Investment Services Pty Ltd collects personal information from a related body corporate, this section 12 applies as if Butler & Butler Investment Services Pty Ltd's primary purpose for the collection was the primary purpose for which the related body corporate collected the information.

13. WHO DOES Butler & Butler Investment Services Pty Ltd DISCLOSE PERSONAL INFORMATION TO?

13.1 Butler & Butler Investment Services Pty Ltd may disclose personal information collected from clients and prospective clients to the following:

- (a) organisations involved in providing, managing or administering Butler & Butler Investment Services Pty Ltd's product or service such as third-party suppliers, e.g. printers, posting services, and our advisers;
- (b) organisations involved in maintaining, reviewing and developing Butler & Butler Investment Services Pty Ltd's business systems, procedures and infrastructure, including testing or upgrading Butler & Butler Investment Services Pty Ltd's computer systems;
- (c) organisations involved in a corporate re-organisation;
- (d) organisations involved in the payments system, including financial institutions, merchants and payment organisations;
- (e) organisations involved in product planning and development;
- (f) other organisations, who jointly with Butler & Butler Investment Services Pty Ltd's, provide its products or services;
- (g) authorised representatives who provide Butler & Butler Investment Services Pty Ltd's products or services on its behalf;
- (h) the individual's representatives, including your legal advisers;
- (i) debt collectors;
- (j) Butler & Butler Investment Services Pty Ltd's financial advisers, legal advisers or auditors;

- (k) fraud bureaus or other organisations to identify, investigate or prevent fraud or other misconduct;
- (l) external dispute resolution schemes;
- (m) regulatory bodies, government agencies and law enforcement bodies in any jurisdiction.

SECTION G – DIRECT MARKETING

14. DIRECT MARKETING

14.1 Butler & Butler Investment Services Pty Ltd must not use or disclose the personal information it holds about an individual for the purpose of direct marketing.

15. EXCEPTION – PERSONAL INFORMATION OTHER THAN SENSITIVE INFORMATION

15.1 Butler & Butler Investment Services Pty Ltd may use or disclose personal information (other than sensitive information) about an individual for the purposes of direct marketing if:

- (a) Butler & Butler Investment Services Pty Ltd collected the information from the individual; and the individual would reasonably expect Butler & Butler Investment Services Pty Ltd to use or disclose the information for that purpose; or
- (b) Butler & Butler Investment Services Pty Ltd has collected the information from a third party; and either:
 - (i) Butler & Butler Investment Services Pty Ltd has obtained the individual's consent to the use or disclose the information for the purpose of direct marketing; or
 - (ii) it is impracticable for Butler & Butler Investment Services Pty Ltd to obtain the individual's consent; and
- (c) Butler & Butler Investment Services Pty Ltd provides a simple way for the individual to opt out of receiving direct marketing communications from Butler & Butler Investment Services Pty Ltd;
- (d) each direct marketing communication with the individual Butler & Butler Investment Services Pty Ltd:
 - (i) includes a prominent statement that the individual may make such a request; or
 - (ii) directs the individual's attention to the fact that the individual may make such a request; and
- (e) the individual has not made a request to opt out of receiving direct marketing.

16. EXCEPTION – SENSITIVE INFORMATION

16.1 Butler & Butler Investment Services Pty Ltd may use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose.

17. REQUESTS TO STOP DIRECT MARKETING

17.1 Where Butler & Butler Investment Services Pty Ltd uses or discloses personal information about an individual for the purposes of direct marketing by Butler & Butler Investment Services Pty Ltd or facilitating direct marketing by another organisation, the individual may request:

- (a) that Butler & Butler Investment Services Pty Ltd no longer provide them with direct marketing communications;
- (b) that Butler & Butler Investment Services Pty Ltd does not use or disclose the individual's personal information for the purpose of facilitating direct marketing by another organisation;
- (c) that Butler & Butler Investment Services Pty Ltd provides the source of the personal information.

17.2 Where Butler & Butler Investment Services Pty Ltd receives a request from an individual under section 17.1, Butler & Butler Investment Services Pty Ltd will:

- (a) give effect to the request under section 17.1(a) or 17.1(b) within a reasonable period after the request is made and free of charge; and
- (b) notify the individual of the source of the information, if the individual requests it, unless it is impracticable or unreasonable to do so.

17.3 This Section G does not apply to the extent that the following laws apply:

- (a) the Do Not Call Register Act 2006;
- (b) the Spam Act 2003; or
- (c) any other Act of the Commonwealth of Australia.

SECTION H – CROSS BORDER DISCLOSURE OF PERSONAL INFORMATION

18. DISCLOSING PERSONAL INFORMATION TO CROSS BORDER RECIPIENTS

18.1 Where Butler & Butler Investment Services Pty Ltd discloses personal information about an individual to a recipient who is not in Australia and who is not Butler & Butler Investment Services Pty Ltd or the individual, Butler & Butler Investment Services Pty Ltd must ensure that the overseas recipient does not breach the Australian Privacy Principles (with the exception of APP1).

18.2 The countries we may disclose an individual's personal information to include:

- (a) Nil at present.

18.3 Section 18.1 does not apply where:

- (a) Butler & Butler Investment Services Pty Ltd reasonably believes that:

- (i) information is subject to a law or binding scheme that has the effect of protecting the information in a way that is at least substantially similar to the way in which the Australian Privacy Principles protect the information; and
 - (ii) there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; or
- (b) both of the following apply:
- (i) Butler & Butler Investment Services Pty Ltd has informed the individual that if they consent to the disclosure of information Butler & Butler Investment Services Pty Ltd will take reasonable steps to ensure the overseas recipient does not breach the Australian Privacy Principles; and
 - (ii) after being so informed, the individual consents to disclosure;
- (c) the disclosure of the information is required or authorised by or under an Australian law or a Court/Tribunal order; or
- (d) a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A (1) Privacy Act) exists in relation to the disclosure of the information by Butler & Butler Investment Services Pty Ltd.

SECTION I – ADOPTION, USE OR DISCLOSURE OF GOVERNMENT IDENTIFIERS

19. ADOPTION OF GOVERNMENT RELATED IDENTIFIERS

19.1 Butler & Butler Investment Services Pty Ltd must not adopt a government related identifier of an individual as its own identifier unless:

- (a) Butler & Butler Investment Services Pty Ltd is required or authorised by or under an Australian law or a Court/Tribunal order to do so; or
- (b) the identifier, Butler & Butler Investment Services Pty Ltd and the circumstances of the adoption are prescribed by regulations.

20. USE OR DISCLOSURE OF GOVERNMENT RELATED IDENTIFIERS

20.1 Before using or disclosing a government related identifier of an individual, Butler & Butler Investment Services Pty Ltd must ensure that such use or disclosure is:

- (a) reasonably necessary for Butler & Butler Investment Services Pty Ltd to verify the identity of the individual for the purposes of the organisation's activities or functions; or
- (b) reasonably necessary for the organisation to fulfil its obligations to an agency or a State or Territory authority; or
- (c) required or authorised by or under an Australian law or a Court/Tribunal order; or
- (d) within a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A (1) Privacy Act); or

- (e) reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- (f) the identifier, Butler & Butler Investment Services Pty Ltd and the circumstances of the adoption are prescribed by regulations.

SECTION J – INTEGRITY OF PERSONAL INFORMATION

21. QUALITY OF PERSONAL INFORMATION

21.1 Butler & Butler Investment Services Pty Ltd will ensure that the personal information it collects and the personal information it uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.

22. SECURITY OF PERSONAL INFORMATION

22.1 Butler & Butler Investment Services Pty Ltd will ensure that it protects any personal information it holds from misuse, interference, loss, unauthorised access, modification and disclosure.

22.2 Butler & Butler Investment Services Pty Ltd will take reasonable steps to destroy or de-identify any personal information it holds where:

- (a) Butler & Butler Investment Services Pty Ltd no longer needs the personal information for any purpose for which the information may be used or disclosed by Butler & Butler Investment Services Pty Ltd;
- (b) the information is not contained in a Commonwealth record;
- (c) Butler & Butler Investment Services Pty Ltd is not required to retain that information under an Australian law, or a Court/Tribunal order.

23. STORAGE OF PERSONAL INFORMATION

23.1 Butler & Butler Investment Services Pty Ltd stores personal information in different ways, including:

- (a) hard copy on site at Butler & Butler Investment Services Pty Ltd.'s head office;
- (b) electronically secure data centres which are located in Australia and owned by either Butler & Butler Investment Services Pty Ltd or external service providers;
- (c) Central Database server or other electronic cloud storage].

23.2 In order to ensure Butler & Butler Investment Services Pty Ltd protects any personal information it holds from misuse, interference, loss, unauthorised access, modification and disclosure, Butler & Butler Investment Services Pty Ltd implements the following procedure/system:

- (a) access to information systems is controlled through identity and access management;
- (b) employees are bound by internal information securities policies and are required to keep information secure;
- (c) all employees are required to complete training about information security;
- (d) Butler & Butler Investment Services Pty Ltd regularly monitors and reviews its compliance with internal policies and industry best practice.

SECTION K – ACCESS TO, AND CORRECTION OF, PERSONAL INFORMATION

24. ACCESS

- 24.1 Butler & Butler Investment Services Pty Ltd must give an individual access to the personal information it holds about the individual if so requested by the individual.
- 24.2 Butler & Butler Investment Services Pty Ltd must respond to any request for access to personal information within a reasonable period after the request is made.
- 24.3 Butler & Butler Investment Services Pty Ltd must give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so and must take such steps as are reasonable in the circumstances to give access in a way that meets the needs of Butler & Butler Investment Services Pty Ltd and the individual.
- 24.4 Butler & Butler Investment Services Pty Ltd must not charge an individual for making a request and must not impose excessive charges for the individual to access their personal information.

25. EXCEPTIONS

- 25.1 Butler & Butler Investment Services Pty Ltd is not required to give an individual access to their personal information if:
- (a) Butler & Butler Investment Services Pty Ltd reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
 - (b) giving access would have an unreasonable impact on the privacy of other individuals; or
 - (c) the request for access is frivolous or vexatious; or
 - (d) the information relates to existing or anticipated legal proceedings between Butler & Butler Investment Services Pty Ltd and the individual, and would not be accessible by the process of discovery in those proceedings; or
 - (e) giving access would reveal intentions of Butler & Butler Investment Services Pty Ltd in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - (f) giving access would be unlawful; or
 - (g) denying access is required or authorised by or under an Australian law or a Court/Tribunal order; or
 - (h) Butler & Butler Investment Services Pty Ltd has reason that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
 - (i) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or

- (j) giving access would reveal evaluative information generated within Butler & Butler Investment Services Pty Ltd in connection with a commercially sensitive decision-making process.

26. REFUSAL TO GIVE ACCESS

26.1 If Butler & Butler Investment Services Pty Ltd refuses to give access in accordance with section 24 or to give access in the manner requested by the individual, Butler & Butler Investment Services Pty Ltd will give the individual a written notice that sets out:

- (a) the reasons for the refusal except to the extent that, having regard to the grounds for the refusal, it would be unreasonable to do so; and
- (b) the mechanisms available to complain about the refusal; and
- (c) any other matter prescribed by the regulations.

26.2 Where Butler & Butler Investment Services Pty Ltd refuses to give access under section 25.1(j) Butler & Butler Investment Services Pty Ltd may include an explanation of the commercially sensitive decision in its written notice of the reasons for denial.

SECTION L – CORRECTION OF PERSONAL INFORMATION

27. CORRECTION OF INFORMATION

27.1 Butler & Butler Investment Services Pty Ltd must take reasonable steps to correct all personal information, having regard to the purpose for which the information is held where:

- (a) Butler & Butler Investment Services Pty Ltd is satisfied the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
- (b) the individual requests Butler & Butler Investment Services Pty Ltd corrects the information.

27.2 Where Butler & Butler Investment Services Pty Ltd corrects personal information about an individual that Butler & Butler Investment Services Pty Ltd previously disclosed to another APP entity and the individual requests Butler & Butler Investment Services Pty Ltd to notify the other APP entity of the correction, Butler & Butler Investment Services Pty Ltd must take reasonable steps to give that notification, unless it is impracticable or unlawful to do so.

28. REFUSAL TO CORRECT INFORMATION

28.1 If Butler & Butler Investment Services Pty Ltd refuses to correct personal information as requested by the individual, Butler & Butler Investment Services Pty Ltd will give the individual a written notice that sets out:

- (a) the reasons for the refusal except to the extent that it would be unreasonable to do so; and
- (b) the mechanisms available to complain about the refusal; and
- (c) any other matter prescribed by the regulations.

29. REQUEST FROM A CLIENT TO ASSOCIATE A STATEMENT WITH THEIR INFORMATION

29.1 If:

- (a) Butler & Butler Investment Services Pty Ltd refuses to correct personal information as requested by the individual; and
- (b) the individual requests that Butler & Butler Investment Services Pty Ltd associate a statement noting that the information is inaccurate, out of date, incomplete, irrelevant or misleading, with the individual's information,

Butler & Butler Investment Services Pty Ltd must take such steps as are reasonable in the circumstances to associate the statement (as described in section 29.1(b)) with the individual's personal information. The statement should be associated with the information in such a way that will make the statement apparent to users of the information.

30. DEALING WITH REQUESTS

30.1 Butler & Butler Investment Services Pty Ltd must:

- (a) respond to requests under this Section L within a reasonable period after the request is made; and
- (b) must not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information.

SECTION M – MAKING A PRIVACY COMPLAINT

31. COMPLAINTS

31.1 Butler & Butler Investment Services Pty Ltd offers a free internal complaint resolution scheme to all customers. Should a client have a privacy complaint, they are to contact Butler & Butler Investment Services Pty Ltd to discuss their concerns using the following contact details:

- (a) Email; info@bbpl.com.au
- (b) Phone: 08 8552 2411
- (c) Post: PO Box 477, Victor Harbor SA 5211

31.2 To assist Butler & Butler Investment Services Pty Ltd in helping customers, Butler & Butler Investment Services Pty Ltd asks customers to follow a simple three-step process:

- (a) gather all supporting documents relating to the complaint;
- (b) contact Butler & Butler Investment Services Pty Ltd to review your situation and if possible, resolve your complaint immediately; and
- (c) if the matter is not resolved to the customer's satisfaction, customers are encouraged to contact Butler & Butler Investment Services Pty Ltd.'s Complaints Officer on [insert number] or put their complaint in writing and send it to [insert address].

- 31.3 Butler & Butler Investment Services Pty Ltd will rectify any breach if the complaint is justified and takes necessary steps to resolve the issue.
- 31.4 In certain situations, to deal with a complaint it may be necessary to consult with third parties. However, any disclosure of Personal Information to third parties will be provided with the customer's authority and consent.
- 31.5 After a complaint has been received, Butler & Butler Investment Services Pty Ltd sends the customer a written notice of acknowledgement setting out the process. The complaint is investigated, and the decision sent to the customer within thirty (30) days unless the customer has agreed to a longer time. If a complaint cannot be resolved within the agreed time frame or a decision could not be made within thirty (30) days of receipt, a notification will be sent to the customer setting out the reasons and specifying a new date when the customer can expect a decision or resolution.
- 31.6 If the customer is not satisfied with Butler & Butler Investment Services Pty Ltd's internal privacy practices or the outcome in respect to complaint, the customer may approach the OAIC with their complaint:

Office of the Australian Information Commissioner

Address: GPO Box 5218, Sydney NSW 2001

Phone: 1300 363 992

Email: enquiries@oaic.gov.au

Website: oaic.gov.au

SECTION N – MISCELLANEOUS

32. NOTIFIABLE DATA BREACHES SCHEME

- 32.1 Under the *Privacy Amendment (Notifiable Data Breaches) Act 2017* ("**Privacy Amendment Act**") Butler & Butler Investment Services Pty Ltd is required to notify the Office of the Australian Information Commissioner ("**OAIC**") in relation to all eligible data breaches.
- 32.2 Butler & Butler Investment Services Pty Ltd must notify the OAIC by lodging a Notifiable Data Breach Form soon as practicable. The Notifiable Data Breach Form is available at the following link: <https://forms.business.gov.au/smartforms/landing.htm?formCode=OAIC-NDB>.
- 32.3 Under the Privacy Amendment Act, Butler & Butler Investment Services Pty Ltd must also promptly inform clients whose personal information has been compromised by the eligible data breach that a breach of their personal information has occurred.
- 32.4 Butler & Butler Investment Services Pty Ltd has also developed a Data Breach Response Plan in accordance with the OAIC's guidelines to ensure the timely notification of all clients affected by any eligible data breach.

33. POLICY BREACHES

- 33.1 Breaches of this Policy may lead to disciplinary action being taken against the relevant party, including dismissal in serious cases and may also result in prosecution under the law where

that act is illegal. This may include re-assessment of bonus qualification, termination of employment and/or fines (in accordance with the Privacy Act).

33.2 Staff are trained internally on compliance and their regulatory obligation to Butler & Butler Investment Services Pty Ltd. They are encouraged to respond appropriately to and report all breaches of the law and other incidents of non-compliance, including Butler & Butler Investment Services Pty Ltd.'s policies, and seek guidance if they are unsure.

33.3 Staff must report breaches of this Policy directly to the Compliance Officer &/or Responsible Officer.

34. RETENTION OF NOTIFIABLE DATA BREACH FORMS

34.1 The Compliance Officer will retain the completed Notifiable Data Breach Forms for seven (7) years in accordance with Butler & Butler Investment Services Pty Ltd.'s Document Retention Policy. The completed forms are retained for future reference and review.

34.2 As part of their training, all staff are made aware of the need to practice thorough and up to date record keeping, not only as a way of meeting Butler & Butler Investment Services Pty Ltd.'s compliance obligations, but as a way of minimising risk.

35. POLICY REVIEW

35.1 Butler & Butler Investment Services Pty Ltd.'s Privacy Policy will be reviewed on at least an annual basis by the Compliance Officer of Butler & Butler Investment Services Pty Ltd, having regard to the changing circumstances of Butler & Butler Investment Services Pty Ltd. The Compliance Officer will then report to the Director on compliance with this Policy.

Issued by Butler & Butler Investment Services Pty Ltd

30th September 2023