

# Privacy Policy

Breckenridge Funds Management Limited (ABN: 74 082 567 075) ( 'Breckenridge' ) is committed to protecting and respecting your privacy. Breckenridge is bound by the Privacy Act 1988 (Cth), including the Australian Privacy Principles ( 'APPs' ).

## The Information Breckenridge Collects and Holds

Whenever it is reasonable and practicable to do so, Breckenridge will only collect personal information which is reasonably necessary for it to:

- Provide you with quality products or services;
- Consider applications you make to Breckenridge; and
- Maintain your contact details.

Breckenridge generally holds personal information relating to:

- The products and services Breckenridge provide or has provided to you;
- Your financial interests; and
- Personal details such as your name, address, phone and email address, bank account details and Tax File Numbers.

Without this information, Breckenridge would not be able to provide the respective financial services to you.

## Sensitive Information

Breckenridge generally does not collect sensitive information about you unless it is required by law and you have consented to the collection of this information.

## How Breckenridge Collects Your Personal Information

When collecting, using or disclosing personal information, Breckenridge will take such steps as are reasonable in the circumstances to ensure that the information is accurate, up-to-date and complete.

## Collecting Personal Information

Breckenridge will only collect personal information in a lawful and fair manner. Wherever possible, personal information will be collected directly from the individual, unless it is unreasonable or impracticable to do so. Sensitive information (e.g. Tax File Numbers and Bank Account Details) will only be collected where the individual consents to the collection of that information.

At or before the time or, if that is not practicable, as soon as practicable after, Breckenridge collects personal information about an individual, Breckenridge will ensure the individual is aware:

- Of Breckenridge ' s identity and its contact details;
- that the collection of personal information is permitted by Breckenridge under the Corporations Act 2001 (cth) and the Anti-Money Laundering and Counter-Terrorism Financing Act 2006) (cth) ( 'AML/CTF Laws' ) and/or a particular court/tribunal order;
- of the purpose for which Breckenridge collects the personal information;

- of the main consequences (if any) for the individual if all or some of the personal information is not collected;
- of any other entity (or type of entity) to which Breckenridge generally discloses the personal information it collects;
- that Breckenridge's Privacy Policy contains information about how the individual may:
  - access and seek correction of the personal information about the individual that Breckenridge holds; and
  - complain about a breach of the APPs and how Breckenridge will deal with such a complaint; and of whether Breckenridge is likely to disclose the personal information to overseas recipients.

### **Receiving Unsolicited Personal Information**

If Breckenridge receives unsolicited personal information it will, within a reasonable period of time, assess whether it would otherwise have been entitled to collect the information in accordance with this Privacy Policy.

If the personal information could have been collected by Breckenridge, it will ensure that this Privacy Policy is complied with in respect of that information and it will notify the individual:

- that the unsolicited personal information has been collected;
- of the circumstances of that collection; and
- provide access to a copy of this Privacy Policy.

If the personal information could not have been collected by Breckenridge, it will destroy the information or ensure that the information is de-identified.

### **Using Government Identifiers**

Unless permitted by law, Breckenridge will not adopt a government related identifier (e.g. a Tax File Number) of an individual as its own identifier and it will only disclose such identifiers for the purposes of verifying the identity of the individual, or as permitted by law or as is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

### **The Purpose for which Breckenridge Collects, Holds, Uses and Discloses Personal Information**

Breckenridge collects, holds, uses and discloses personal information for the purposes it was disclosed to Breckenridge. This includes administering its managed investment schemes and communicating with shareholders, investors and clients.

### **The Purpose for Collecting Your Personal Information**

Breckenridge only collects, holds and uses personal information for the primary purpose it was provided, a related purpose or as required or permitted by law. This includes:

- establishing, maintaining and administering your investment;
- verifying, monitoring and reporting as required under the AML/CTF Laws;
- collecting taxation information such as TFN's, ABN's and country of residence as required for:
- ATO reporting and/or other relevant bodies; and
- withhold tax correctly from payments

- communicating with investors and shareholders regarding the status of their investments in Breckenridge, responding to your enquiries and information requests;
- processing authorised payments; and
- any other uses identified at the time of collecting your personal information.

Where Breckenridge collects an individual's personal information for a particular purpose (i.e. the primary purpose), it will not use that information for another purpose (i.e. a secondary purpose) unless the individual has consented to the use or disclosure of that information or:

- it would be reasonably expected that the information would be disclosed for a secondary purpose which is related to the primary purpose (and in relation to sensitive information for a secondary purpose which is directly related to the primary purpose); or
- the use or disclosure of the information is legally required, specifically authorised by the APPs or reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

### **Disclosing Your Information**

Breckenridge will record in writing, circumstances where it uses or discloses personal information for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

Personal information collected by one entity within the Breckenridge group of companies may be used by another entity within the group provided that the personal information is held, used and disclosed for the same primary purpose.

Breckenridge does not normally disclose personal information about its shareholders, investors and clients to outside parties, except those contracted to provide services to Breckenridge. These may include:

- Government statutory bodies such as the Australian Taxation Office (ATO), the Australian Securities and Investment Commission (ASIC), the Australian Securities Exchange (ASX);
- Professional advisers and contracted service providers engaged by Breckenridge – e.g. auditors, lawyers, platform operators, fund managers, investment providers, custodian, insurer and consultants;
- Your financial advisor or any other person that you have consented to for the purpose of managing your investment in Breckenridge.
- With consent, Breckenridge will disclose your personal information to an accountant, financial consultant or other person or organisation you nominate. Your personal information may also be disclosed to the Australian Taxation Office or other government authorities or agencies as required by law.

### **Marketing**

If Breckenridge uses or discloses your personal information for direct marketing purposes, it will include a simple and free means of 'opting-out' of receiving future direct marketing material and it will ensure that it respects such requests, within a reasonable period of time and notifies any other organisation it is using to facilitate the direct marketing.

If Breckenridge has not collected your personal information directly from you, the 'opt-out' statement will be prominent. Breckenridge will only use sensitive information for direct marketing purposes where the individual has provided consent for it to be used for that purpose.

If Breckenridge uses personal information provided by a source other than from yourself, for direct marketing purposes, you may request Breckenridge to provide details of the source of the information. Breckenridge will provide this information free of charge and within a reasonable period of time.

If Breckenridge uses the personal information for direct marketing purposes, it will ensure that it complies with the requirements of the Do Not Call Register Act 2006 (cth), the Spam Act 2003 (cth) and the Corporations Act 2001 (cth).

### **How Breckenridge Holds and Protects Your Personal Information**

Breckenridge will ensure that in relation to any personal information it holds that it will take such steps as are reasonable in the circumstances to protect the information from:

- misuse, interference and loss; and
- unauthorised access, modification or disclosure.

If other organisations provide support services, Breckenridge requires them to appropriately safeguard the privacy of the information provided to them.

If Breckenridge holds information which it no longer needs (for any purpose for which the information may be used or disclosed) or it is no longer required to keep, it will take such steps as are reasonable in the circumstance to destroy the information or to ensure that the information is de-identified.

### **Can an Individual Remain Anonymous when Dealing with Breckenridge?**

Given the nature of Breckenridge's products and services, other than providing general publicly available information (such as the Breckenridge website), it is not practical for Breckenridge to deal with individuals who wish to remain anonymous or would prefer to identify themselves only by way of pseudonym.

### **How an Individual May Access and Seek Correction of Personal Information Held by Breckenridge**

Generally, Breckenridge will provide you with access to your personal information in the manner you request and within a reasonable period of time after the request is made. You can request Breckenridge to correct any personal information it holds about you.

To apply for access or to request a correction to your personal information, contact us.

There are no charges for requesting access to your personal information. However, Breckenridge may charge a fee to provide access, provided that such fee is not excessive.

As set out in the APPs, some exceptions apply. If Breckenridge relies on one of the exceptions or is unable to provide the personal information in the manner requested, it will take such steps (if any)

as are reasonable in the circumstances to give access in a way that meets the needs of both yourself and Breckenridge and it will provide a written notice setting out:

- 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
- the mechanisms available to complain about the refusal; and
- any other relevant matter.

Having regard to the purpose for which the personal information is held, if Breckenridge is satisfied that the information is inaccurate, out of date, incomplete, irrelevant or misleading or a request is received from an individual, Breckenridge will take such steps as are necessary to correct that information. This will be done free of charge within a reasonable period after the request has been made. If Breckenridge has provided that information to a third party, the individual may request Breckenridge to notify that third party of that correction.

If Breckenridge refuses to correct an individual's personal information it will provide a written notice to the individual setting out:

- 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
- the mechanisms available to complain about the refusal; and
- any other relevant matter.

If Breckenridge refuses to correct an individual's personal information and the individual requests Breckenridge to associate a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading with that information, Breckenridge must take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information. This will be done free of charge within a reasonable period after the request has been made.

### **Is Breckenridge Likely to Disclose Personal Information to Overseas Recipients?**

It is unlikely that Breckenridge will disclose your personal information to an overseas recipient.

If at some future time, Breckenridge chooses to disclose personal information about an individual to an overseas recipient, it will either obtain the individual's informed consent prior to doing so, will be required to do so by Australian law or prior to doing so will take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the APPs in relation to the information.

### **How an Individual Can Complain About a Breach of the APP's and How the Complaint Will Be Dealt With**

An individual may complain to Breckenridge about a breach of the APPs by Breckenridge by contacting us:

Writing to:	Breckenridge Funds Management Limited, GPO Box 4422 Sydney NSW 2001
Visiting:	Level 15, 25 Bligh Street, Sydney, NSW 2000

Calling:	02 8222 8558
Emailing:	<a href="mailto:rlloyd@breckenridge.com.au">rlloyd@breckenridge.com.au</a>

The complaint will be handled in accordance with Breckenridge ' s Complaints Policy. An individual can request a copy of the Complaints Policy to be sent to them free of charge. If you are not satisfied with the outcome, you can contact the Australian Privacy Commissioner through [www.oaic.gov.au](http://www.oaic.gov.au) to discuss your concerns.