Privacy Policy

Date First Adopted: **17 July 2020**

Version: **4**

1. Introduction

First Australians Capital Ltd (ACN 615 225 182) is a registered charity and Public Benevolent Institution that aims to alleviate the poverty and disadvantage in life outcomes experienced by Indigenous Australians by building on the cultural, creative and economic strengths and assets of Australia's first peoples.

First Australians Capital Ltd (and its related entities) (collectively, **First Australians Capital**) understand the importance of protecting the privacy of personal information.

This policy sets out how First Australians Capital aims to protect the privacy of personal information, rights in relation to the personal information managed by First Australians Capital and the way First Australians Capital collects, holds, uses and discloses personal information in the course of providing its products and/or services.

In handling personal information, First Australians Capital and its related entities will comply with the Privacy Act 1988 (Cth) (**Privacy Act**) and the Australian Privacy Principles in the Privacy Act. This policy does not apply to the personal information of the employees of First Australians Capital.

This policy does not impose legally binding obligations on First Australians Capital. This policy may be updated from time to time. Any changes to this policy will be published on our website and be effective at the time of publication.

2. What kinds of personal information does First Australians Capital collect

Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable. During the provision of its products and/or services, First Australians Capital may collect personal information.

Generally, the kinds of personal information First Australians Capital collects are:

(a) contact and identification information such as name, date of birth, marital status, address, telephone number, email address;

(b) information relating to an individual's cultural heritage, cultural background, ancestry, ethnic origin, Aboriginal and/or Torres Strait Islander status, language group, community connections, and cultural affiliations where such information is reasonably necessary for our functions, activities, services, or employment-related purposes;

(c) banking details and other related banking information including bank statements;

(d) where you are acting on behalf of another entity (whether as an employee, director or other representative), details of that entity and the relationship you have with it;

(e) when applying for a position or registering interest in a position with First Australians Capital, sensitive information including:

  (i) health information; and

  (ii) criminal record information,

  (iii) where relevant to First Australians Capital's assessment of whether you are able to perform the inherent requirements of the particular role; and

(f) other information required for First Australians Capital functions and activities.

In some circumstances, First Australians Capital may also hold other personal information when this has been provided.

2.1 Sensitive information

The personal information collected by First Australians Capital may include sensitive information, which is defined in the Privacy Act as information or an opinion about such things as an individual's racial or ethnic origin, political opinions, membership of a political association, religious or philosophical beliefs, membership of a trade union or other professional body, criminal record or health information. First Australians Capital will only use sensitive information:

(a) for the primary purpose for which it was obtained;

(b) for a secondary purpose that is directly related to the primary purpose;

(c) with appropriate consent; or

(d) where required or authorised by law.

3. Social Media

Generally, First Australians Capital collects personal information directly from you, including through the completion of an online form, an interaction or exchange in person, by telephone, video call or email, through use of the First Australians Capital website, applications or other digital services, or when you complete a form or document and provide it to First Australians Capital.

There may be occasions when First Australians Capital collects personal information from other sources such as from:

(e) financiers or investors;

(f) an entity you represent (including but not limited to an employer or a company of which you are a director), where necessary for First Australians Capital to provide its products or services to that entity through you or where necessary for that entity to supply products or services to First Australians Capital;

(g) a publicly maintained record or other publicly available sources of information including social media and similar websites, such as LinkedIn;

(h) if for recruitment purposes, an external recruitment, labour hire, or background screening services provider or third parties with whom you have previously worked; or

(i) through the use of 'cookies' on First Australian Capital's website (see part 10 of this policy).

Generally, First Australians Capital will only collect personal information from sources other than you if it is unreasonable or impracticable to collect personal information from you.

3.1 Unsolicited information

If First Australians Capital receives personal information that it has not requested and determines that the personal information received is not reasonably necessary to provide its services, First Australians Capital will take all lawful and reasonable steps (if any) to de-identify or destroy that personal information.

4. Why does First Australians Capital need personal information?

First Australians Capital collects, holds, uses and discloses personal information in connection with First Australians Capital's charitable purposes and functions, including but not limited to:

We pay our deepest respect to the Traditional Custodians of Country across Australia. We acknowledge and thank our Elders who demonstrated over 60,000 years of sustainable Indigenous business and ask them to guide us back on track to a more prosperous and purposeful future.

(a) providing and facilitating the provision of financial capital to Indigenous entrepreneurs and enterprises, including through referrals and all associated purposes including:

  (i) to verify identity and contact details (including to conduct 'know your client' (**KYC**) and anti-money laundering (**AML**) checks);

  (ii) to undertake due diligence-related activities to support grant and capital requests;

  (iii) for invoicing and/or administrative purposes;

  (iv) to respond to any inquiries, feedback or complaints;

  (v) engaging with First Australians Capital;

(b) enabling First Australians Capital to promote its products, services and events;

(c) providing tailored business support and training modules to Indigenous entrepreneurs and enterprises;

(d) undertaking fundraising activities to support First Australian Capital's charitable purposes;

(e) processing and assessing employment applications for current and future positions with First Australians Capital;

(f) undertaking research activities to support Indigenous economic development;

(g) assisting First Australians Capital to improve its products, services and events;

(h) technical administration of First Australians Capital's website;

(i) identifying and informing of other products, services and events that may be of interest from First Australians Capital;

(j) analysing market trends and needs;

(k) training for First Australians Capital's workers;

(l) accounting, billing and other internal administrative purposes;

(m) otherwise managing First Australians Capital internal business operations and processes; and/or

(n) complying with any other legal requirements as required.

First Australians Capital may also use personal information for purposes related to the above purposes and for which you would reasonably expect First Australians Capital to do so in the circumstances, or where consent has been received, or the use is otherwise in accordance with law.

In some cases, the collection of personal information by First Australians Capital is required or authorised by law, including under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) (for example, to verify identity and to conduct customer due diligence and anti-money laundering checks) and the Privacy Act.

Where personal information is used or disclosed, First Australians Capital takes steps reasonable in the circumstances to ensure it is relevant to the purpose for which it is to be used or disclosed. There is no obligation to provide personal information to First Australians Capital. However, without certain information, First Australians Capital may not be able to provide its products and/or services.

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5. To whom does First Australians Capital disclose personal information?

First Australians Capital discloses personal information for the purpose for which First Australians Capital collects it. That is, generally, First Australians Capital will only disclose personal information for a purpose set out at paragraph 4. This may include disclosing personal information to:

(a) third party credit providers or investors;

(b) third parties engaged to perform administrative or other business management functions;

(c) people or entities considering acquiring an interest in First Australians Capital's enterprise or assets;

(d) First Australians Capital's professional advisors, agents, contractors, consultants and related bodies corporate;

(e) insurance providers;

(f) recruitment and labour hire agencies (as required); and

(g) regulatory bodies if and as necessary, including during audit processes.

First Australians Capital will disclose personal information to third parties on a confidential basis and/or otherwise in accordance with law. First Australians Capital may also disclose personal information with consent or if disclosure is required or authorised by law.

First Australians Capital's website may contain links to other websites. First Australians Capital does not share personal information with those websites, and it is not responsible for the privacy practices which apply to the use of those websites.

6. Overseas disclosures

First Australians Capital holds personal information on its secure databases that are hosted within Australia. However, First Australians Capital may disclose personal information to entities located overseas to assist First Australians Capital in providing its services.

Overseas recipients may have different privacy and data protection standards. However, before disclosing any personal information to an overseas recipient, First Australians Capital takes steps reasonable in the circumstances to ensure the overseas recipient complies with the Australian Privacy Principles or is bound by a substantially similar privacy scheme unless you consent to the overseas disclosure, or it is otherwise required or permitted by law.

For any queries or objections to such disclosures, please contact First Australians Capital' Privacy Compliance Officer using the details set out in paragraph 14.

7. Direct marketing

First Australians Capital may collect, hold, use and disclose personal information in order to provide information about other products and services offered by First Australians Capital or to facilitate business relationships.

People can opt-out of receiving such communications by contacting First Australians Capital on the contact details set out in paragraph 14 or through any opt-out mechanism contained in a marketing communication.

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8. Security of personal information

First Australians Capital takes steps reasonable in the circumstances to ensure that the personal information it holds is protected from misuse, interference, and loss and from unauthorised access, modification, or disclosure.

First Australians Capital holds personal information in hard copy, electronic forms in secure databases, accessible only by authorised staff.

First Australians Capital will only keep personal information for as long as it is required for the purpose for which it was collected or as otherwise required by applicable laws.

First Australians Capital will destroy or de-identify personal information in circumstances where it is no longer required, unless First Australians Capital is otherwise required or authorised by law to retain the information. These steps may vary depending on the nature of the information, the way it was collected and how it was stored.

9. How to access and correct the personal information that First Australians Capital holds?

First Australians Capital takes steps reasonable in the circumstances to ensure personal information it holds is accurate, up-to-date, complete, relevant and not misleading. Under the Privacy Act, you have a right to access and seek correction of personal information that is collected and held by First Australians Capital. If at any time you would like to access or correct the personal information that First Australians Capital holds, or would like more information on First Australians Capital's approach to privacy, please contact First Australians Capital Privacy Compliance Officer on the details set out in paragraph 14 below.

First Australians Capital will grant access to the extent required or authorised by the Privacy Act and take steps reasonable in the circumstances to correct personal information where necessary and appropriate.

To obtain access to personal information:

(a) provide proof of identity to ensure that personal information is provided only to the correct person and that the privacy of others is protected;

(b) First Australians Capital requests that you be reasonably specific about the information required; and

(c) First Australians Capital may charge a reasonable administration fee, which reflects the cost to First Australians Capital for providing access in accordance with the request, however, there is no charge to make a request.

First Australians Capital will endeavour to respond to requests to access or correct personal information within 30 days from when the request was received. If First Australians Capital decides to refuse an access or correction request, it will provide our reasons in writing and explain potential next steps.

10. Cookies

When accessing First Australians Capital's website, First Australians Capital uses 'cookies', 'web beacons' or similar technologies, which are small pieces of information sent from the website and stored by browsers on a computer's hard drive.

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Cookies that First Australians Capital uses enable its systems to provide features of its services and allow you to visit its website without re-entering usernames and/or passwords, personalise and improve user experience, and improve the functionality and user-friendliness of its services and monitor how its website is being used.

This information is used by First Australians Capital to improve and tailor its website functionality and better understand how people interact with First Australians Capital's products and services and to monitor aggregate usage and web traffic routing on its website. If cookies are linked with personal information as set out above, this information becomes personal information and will be treated in the same manner as the personal information to which it has been linked.

Browser settings can be modified by editing browser options to reject First Australians Capital's cookies or to prompt you before accepting a cookie. However, if a browser does not accept cookies or if you reject a cookie, some portions of First Australians Capital's online services may not function properly.

11. Automated Decision-Making

As part of providing its products and services, First Australians Capital uses automated tools provided by third-party service providers that may involve automated decision-making in relation to individuals. In particular, when assessing applications for financial products or services, First Australians Capital may use third-party platforms that apply automated processes to assist with:

- verifying identity and conducting know your client (KYC) checks; and
- conducting anti-money laundering (AML) screening and customer due diligence checks,

including through the use of algorithms or automated systems that assess the personal information provided against relevant databases and risk criteria.

Where automated tools are used, they assist First Australians Capital in forming an assessment, but a human reviews the output of any automated process before a final decision is made. First Australians Capital does not make wholly automated decisions about individuals without human involvement.

The kinds of personal information that may be processed by these automated tools include name, date of birth, address, identification document details, and other information provided to First Australians Capital for the purposes of identity verification and AML screening.

For further information about how First Australians Capital uses automated tools, or to raise any concerns about an automated process that has affected you, please contact First Australians Capital's Privacy Compliance Officer using the contact details set out in paragraph 14 of this policy.

12. Analytics

First Australians Capital may use third-party analytics tools (such as Google Analytics) to understand how people use its website. Where it does, these tools may set cookies or similar technologies (see the Cookies section) and may collect information such as the pages visited, how you arrived at the website, approximate location, and your interactions with the site. Where these tools are provided by Google, you can control how your data is used through Google account settings, browser add-ons or your device's privacy settings, and you can learn more about how Google uses your data and your available options on Google's privacy pages.

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13. Advertising

First Australians Capital may use advertising tools (such as the Meta Pixel) to understand how its advertising performs and collect information about your visit. Where it does, this information may also be used to provide more relevant advertisements on Meta's platforms (including Facebook and Instagram) after you visit First Australians Capital's website. You can manage whether First Australians Capital connects information from its website with your Meta account for advertising purposes by adjusting the settings within your Meta account preferences.

14. How to contact us

For further information or enquiries regarding personal information, or to opt out of receiving any promotional or marketing communications, please contact First Australians Capital's Privacy Compliance Officer at:

Attention: Privacy Compliance Officer

Email: privacy@firstaustralianscapital.org

Mail: First Australians Capital
11 Princes Street
St Kilda VIC 3182

15. Privacy complaints

Please direct all privacy complaints in writing to First Australians Capital's Privacy Compliance Officer using the contact details set out in paragraph 14. At all times, privacy complaints:

(a) will be treated seriously;

(b) will be dealt with promptly;

(c) will be dealt with in a confidential manner; and

(d) will not affect existing obligations or affect the commercial arrangements between you and First Australians Capital.

First Australians Capital's Privacy Compliance Officer will commence an investigation into any complaints received. Complainants will be kept informed of the outcome of the complaint following completion of the investigation. In the event of dissatisfaction with the outcome of the complaint, you may refer the complaint to the Office of the Australian Information Commissioner.

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