

# First Australians Capital Ltd Privacy Policy

Policy last updated: 9<sup>th</sup> July 2020

## 1 Purpose and nature

First Australians Capital Ltd (ACN **615 225 182**) (**FAC**) 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.

FAC recognises the importance of your privacy. This Privacy Policy explains how FAC intends to collect, store, use, disclose, protect and otherwise handle your personal information having regard to the Australian Privacy Principles (**APPs**) contained in the *Privacy Act 1988* (Cth) (**Privacy Act**).

This Privacy Policy does not constitute a contractual representation, promise, guarantee or warranty by FAC to you as to the manner in which FAC will or may collect, store, use, disclose, protect or otherwise handle your personal information. Some matters are beyond the control of FAC, such as third party malicious or criminal attacks.

FAC may allow its related entities, such as its subsidiaries, and their employees, to use and process your personal information in the same way and to the same extent that FAC is permitted to under this Privacy Policy. These related entities comply with the same obligations that FAC has to protect your personal information under this Privacy Policy.

## 2 What is personal information?

Personal information is information or an opinion about you from which you can be reasonably identified.

## 3 Why does FAC collect personal information?

FAC collects personal information in connection with FAC's charitable purposes and functions, including but not limited to:

- (a) providing and facilitating the provision of financial capital to Indigenous entrepreneurs and enterprises, including through referrals;
- (b) providing tailored business support and training modules to Indigenous entrepreneurs and enterprises;
- (c) undertaking fundraising activities to support FAC's charitable purposes;
- (d) assessing your job application;
- (e) undertaking research activities to support Indigenous economic development; and
- (f) technical administration of FAC's website.

## **4 What personal information does FAC collect?**

### **4.1 Personal information**

The types of personal information collected by FAC include:

- (a) names;
- (b) contact details (including address, email address, telephone number(s) and other contact details);
- (c) dates of birth;
- (d) marital status;
- (e) tax file numbers (**TFN**) and other related information including access to personal Australian Tax Office Tax Portal information;
- (f) banking details and other related banking information including bank statements;
- (g) usernames and passwords for read only access to accounting software and the Australian Tax Office Tax Portal; and
- (h) other information you provide to us.

### **4.2 Sensitive information**

The personal information collected by FAC 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. FAC 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 your consent; or
- (d) where required or authorised by law.

## **5 How does FAC collect your personal information?**

FAC will collect personal information only by lawful and fair means and not in an unreasonably intrusive manner. When you provide FAC with personal information you consent to the use, disclosure and handling of your personal information in accordance with this Privacy Policy and any subsequent amendments (see clause 13).

### **Collecting information from you**

If it is reasonable and practical do to so, FAC will collect personal information directly from you.

Depending on how you choose to interact with FAC, FAC may collect your personal information when you contact, or are contacted by, FAC or its service providers by telephone, by email, through FAC's website, applications or other digital services you agree to use or when you complete a form or document and provide it to FAC.

### 5.1 Collecting information from third parties

FAC may also collect information about you from other people (e.g. a third-party administrator) or independent sources. For example, FAC may collect personal information about you from your financiers or investors. However, FAC will only do so where it is not reasonable and practicable to collect the information from you directly. Where FAC has collected your information from a third party, such personal information will be held, used and disclosed by FAC in accordance with this Privacy Policy.

### 5.2 Collecting information from visits to FACs website

FAC may also collect information based on how you use its website, including through 'cookies', web beacons and other similar technologies.

Cookies are small text files that are transferred to your computer's hard drive through your web browser to enable FAC's systems to recognise your browser and record non-personal information such as the date, time or duration of your visit and the pages accessed, for website administration, statistical and maintenance purposes (**Cookie Information**).

We use cookies to provide you with a more consistent experience across our services. No attempt is made by FAC to use Cookie Information to personally identify you. However, if Cookie Information is linked with personal information as set out above, this Cookie Information becomes personal information and will be treated in the same manner as the personal information to which it has been linked.

You can remove or reject cookies by adjusting the settings on your web browser. Please note that some parts of FAC's website may not function fully for users that disable cookies.

### 5.3 Unsolicited information

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

## 6 **How does FAC hold your personal information?**

The security of your personal information is important to FAC. Accordingly, FAC takes reasonable steps to protect your personal information from misuse, loss and unauthorised access, modification or disclosure. These steps include the implementation of the following safeguards:

- (a) password protected databases;
- (b) staff training; and
- (c) lockable physical information storage.

FAC will take reasonable steps to permanently de-identify or responsibly destroy personal information if it is no longer needed for the purpose for which the information was used or disclosed.

### 6.1 Security breach procedures

FAC's data security practices have been adopted with a view to protecting the data held by FAC. Notwithstanding this, individuals should be aware that there are inherent risks associated with the transmission of data over the internet and other mediums. Accordingly, FAC cannot guarantee any transmission will be completely secure.

## **7 How does FAC use your personal information?**

FAC may hold, use or disclose your personal information for the purposes described in clause 3 of this Policy.

FAC may also hold, use or disclose your personal information to:

- (a) consider any concern or complaint that you raise against FAC or to manage any legal action between you and FAC;
- (b) prevent or investigate any actual or suspected fraud, unlawful activity or misconduct; and
- (c) comply with any relevant laws, regulations, codes of practice and court orders.

### **7.1 Direct Marketing**

FAC may also use your personal information to identify and promote products or services that may be of interest to you.

At any time you may opt out of receiving direct marketing communications from FAC. To do so. Unless and until you opt out, your consent to receive direct marketing communications from FAC and to the handling of your personal information for this purpose will continue.

## **8 How is personal information disclosed to others?**

FAC does not sell, rent or trade personal information to, or with third parties.

FAC may disclose your personal information to third parties in limited circumstances, including to refer and recommend you to third party credit providers or investors with your consent.

FAC's website may contain certain links to other websites. FAC does not share your personal information with those websites and it is not responsible for the privacy practices applying in respect of those websites.

FAC will not disclose your personal information to third parties who are overseas.

### **8.1 Cross-border disclosure**

FAC may transfer your personal information to an entity which is in a foreign country to assist FAC in providing its services.

## **9 Change of control**

If FAC sells, assigns or otherwise transfers part or the whole of its business (including to a related body corporate of First Australians Capital), your personal information, which was collected by FAC in accordance with this Policy may be among the items transferred or sold to the extent that it is relevant to FAC's business.

## **10 How you may access or correct your personal information**

You may contact FAC to request access to the personal information it holds about you at any time.

You may also ask FAC to correct information about you that you may believe is inaccurate, incomplete or out of date.

Please contact FAC using the contact details set out in clause 12. FAC will need to verify your identity before giving you access to, or correcting, your personal information. FAC will respond to the request within a reasonable period after the request is made. There is no

charge to make a request, however FAC may charge a reasonable fee to cover the administrative costs of retrieving your personal information.

In certain circumstances, FAC may refuse, or be unable, to correct or provide you with access to your personal information. In these circumstances, FAC will write to you to explain the reasons why this is the case.

#### **11 How you may complain if you have concerns about how FAC has managed your personal information**

If you have a complaint related to how FAC has managed your personal information, please contact FAC using the contact details set out in clause 12. FAC may ask you to place your concerns in writing so that its compliance staff can fully understand and investigate your complaint.

FAC will provide you with an estimated response timeframe in relation to your complaint. In any event, FAC will endeavour to respond to your complaint with 30 days.

If a complaint remains unresolved, you may contact the Office of the Australian Information Commissioner (**OAIC**) at [www.oaic.gov.au](http://www.oaic.gov.au) to have the complaint heard and determined.

#### **12 How to contact us**

If you have any questions about this Privacy Policy or FAC's management of your personal information, please contact FAC on:

**Attention:** Managing Director

**Tel:** 0437 633 000

**Email:** [info@firstaustralianscapital.org](mailto:info@firstaustralianscapital.org)

**Mail:** First Australians Capital

11 Bershire Ave

Merewether Heights NSW 2291

#### **13 Changes to FAC's privacy policy and information handling practices**

This Privacy Policy is subject to change at any time, so we encourage you to review this Privacy Policy at regular intervals. If FAC changes this Privacy Policy an updated version will be posted on FAC's website to notify you of this change. By continuing to use FAC's services after that time you will be deemed to have accepted any changes to its Privacy Policy.