

# Privacy Policy

Date First Adopted: **08 December 2023**

**Version: 3**

## 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 an individual's personal information.

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

In handling your 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, or reasonably identifiable, individual. During the provision of its products and/or services, First Australians Capital may collect your personal information.

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

- (a) contact and identification information such as your name, date of birth, marital status, address, telephone number, email address;
- (b) tax file numbers and other related information including access to personal Australian Tax Office Tax Portal information;
- (c) banking details and other related banking information including bank statements;
- (d) usernames and passwords for read only access to accounting software and the Australian Tax Office Tax Portal;
- (e) where you are acting on behalf of another entity (whether as an employee, director or other representative), details of that entity and your relationship with it;

- (f) where you are applying for a position or registering your 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
- (g) other information required for First Australians Capital functions and activities.

In some circumstances First Australians Capital may also hold other personal information provided by you.

## 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 your consent; or
- (d) where required or authorised by law.

## 3. Social Media

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

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

- (a) your financiers or investors;
- (b) an entity you represent (including but not limited to your 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;
- (c) a publicly maintained record or other publicly available sources of information including social media and similar websites, such as LinkedIn;
- (d) if for recruitment purposes, an external recruitment, labour hire, or background screening services provider or third parties with whom you have previously worked; or
- (e) through the use of ‘cookies’ on First Australian Capital’s website (see part 10 of this policy).

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

First Australians Capital collects, holds, uses and discloses your personal information in connection with First Australians Capital'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 and all associated purposes including:
  - (i) to verify your identity and contact details (including to conduct 'know your client' (KYC) checks);
  - (ii) for invoicing and/or administrative purposes;
  - (iii) to respond to any inquiries, feedback or complaints made by you;
  - (iv) engaging with you in your dealings with First Australians Capital;
- (b) enabling First Australians Capital to promote its products, services and events to you;
- (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 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 you of other products, services and events that may be of interest to you 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 your 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 you have consented or the use is otherwise in accordance with law.

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. You are under no obligation to provide your personal information to First Australians Capital. However, without certain information from you, First Australians Capital may not be able to provide its products and/or services to you.

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

First Australians Capital discloses your personal information for the purpose for which First Australians Capital collects it. That is, generally, First Australians Capital will only disclose your personal information for a purpose set out at paragraph 4. This may include disclosing your 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 your personal information to third parties on a confidential basis and/or otherwise in accordance with law. First Australians Capital may also disclose your personal information with your 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 your 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.

If you have any queries or objections to such disclosures, please contact First Australians Capital' Privacy Compliance Officer on the details set out in paragraph 11.

## 7. Direct marketing

First Australians Capital may collect, hold, use and disclose your personal information in order to inform you of products and services offered by First Australians Capital or to facilitate business relationships.

You can opt-out of receiving such communications by contacting First Australians Capital on the contact details set out in paragraph 11 or through any opt-out mechanism contained in a marketing communication.

## 8. Security of your 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 your 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. Can you access and correct the personal information that First Australians Capital holds about you?

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 your 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 about you, or you 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 11 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 your personal information:

- (a) you will have to provide proof of identity to ensure that personal information is provided only to the correct individuals and that the privacy of others is protected;
- (b) First Australians Capital requests that you be reasonably specific about the information you require; and
- (c) First Australians Capital may charge you a reasonable administration fee, which reflects the cost to First Australians Capital for providing access in accordance with your request, however, there is no charge to make a request.

First Australians Capital will endeavour to respond to your request to access or correct your personal information within 30 days from your request. If First Australians Capital decide to refuse your access or correction request, we will provide our reasons in writing and explain how to complain.

## 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 your browser on your computer's hard drive.

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 your username and/or password, personalize and improve your experience, and improve the functionality and user-friendliness of its services and monitor how its website is used through your computer.

First Australians Capital uses this information to improve and tailor its website functionality and better understand how you 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.

You can modify your browser settings to reject First Australians Capital's cookies or to prompt you before accepting a cookie. However, if your 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. How to contact us

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

**Attention:** Managing Director Relationships

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

**Mail:** Attention: Managing Director Relationships, First Australians Capital

11 Princes Street  
St Kilda VIC 3182

## 12. Privacy complaints

Please direct all privacy complaints to First Australians Capital's Privacy Compliance Officer. 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 your 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 your complaint. You will be informed of the outcome of your complaint following completion of the investigation. In the event that you are dissatisfied with the outcome of your complaint, you may refer the complaint to the Office of the Australian Information Commissioner.