



# TRADE WITH TOP1

## Privacy

Your privacy is important to us. This statement outlines our policy on how we manage the personal information we hold about our customers, potential customers and others. It applies to Top1 group.

It is our policy to respect the confidentiality of information and the privacy of individuals. Our privacy notice will be reviewed from time to time to take account of new laws and technology, changes to our operations and practices and to make sure it remains appropriate to the changing environment. Any information we hold will be governed by the most current Top1 privacy notice displayed on our website(s).

Any reference to 'us', 'our', 'we' or 'Top1' in this privacy notice is a reference to Top1 group as the context requires unless otherwise stated.

Similarly, any reference to 'you', 'your', 'yours' or 'yourself' in this privacy notice is a reference to any of our customers, potential customers, and others, as the context requires unless otherwise stated.



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## **OUR PRIVACY NOTICE IS BASED ON OPENNESS**

We are committed to being open and transparent about how we use personal information. Where our documents or interactions with you ask for personal information, we will generally state the purposes for its use and to whom it may be disclosed.

## **WHY DO WE COLLECT PERSONAL INFORMATION?**

Because of the nature of the products and services provided, government regulations and taxation laws, we ask for a range of personal information from our customers. The type of personal information we may collect can include (but is not limited to) name, address, date of birth, gender, contact details, income, assets and liabilities, account balances, trading statements, financial statements, credit reporting information, tax file numbers, employment details, location data and any other similar information.

We obtain most of the information directly from our customers through application or other forms, and from maintaining records of information provided in the course of ongoing customer service. We may also obtain information from other sources. For example, credit information or identity checks.



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We may also obtain personal information about you through your use of our websites ,apps or through the use of cookies on our websites and/or apps, in particular by recording which pages you look at on our website(s).

We may ask for other information voluntarily from time to time (for example, through market research, surveys or special offers) to enable us to improve our service or consider the wider needs of our customers or potential customers.

We may record any communications, electronic, by telephone, in person or otherwise, that we have with you in relation to the services we provide to you and our relationship with you. These recordings will be our sole property and will constitute evidence of the communications between us. Such telephone conversations may be recorded without the use of a warning tone or any other further notice.

Further, if you visit any of our offices or premises, we may have CCTV, which will record your image.

If you choose not to provide the information we need to fulfil your request for a specific product or service, we may not be able to provide you with the requested product or service.



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## **HOW DO WE USE THIS INFORMATION AND WHO MAY WE DISCLOSE IT TO, INCLUDING CROSS BORDER DISCLOSURES**

While we may send you marketing material from time to time that we think will be useful to you, we are conscious of the need to respect your privacy. Unless you are informed otherwise, the personal information we hold is used for establishing and managing your account, reviewing your ongoing needs, enhancing customer service and products and giving you ongoing information or opportunities that we believe may be relevant to you. We may also use your personal information for business planning purposes including product development and internal research.

Depending on the product or service concerned and particular restrictions on sensitive information, this means that personal information may be disclosed to:

- ◆ Their companies within the Top group (including associated companies in Australia, and elsewhere in the world) who provide financial and other services for the Top1 Group and their clients service providers and specialist advisers who have been contracted to provide us with administrative, IT, financial, regulatory, compliance, taxation, insurance, research or other services
- ◆ Credit reporting or reference agencies



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- ◆ If you were introduced to us by a third party we may disclose personal and account information about you to them, their related companies and licensee or authorised representatives
- ◆ Credit providers, courts, tribunals and regulatory authorities as agreed or authorised by law or our agreement with you
- ◆ Anyone authorised by you, as specified by you or our agreement with you
- ◆ If you are referred to us through our Refer a friend program, your referrer may be notified when you apply for an account and when you qualify for a reward

Third party service providers such as credit-referencing agencies may keep a record of any searches performed on our behalf and may use the search details to assist other companies in performing their searches.

We may take reasonable steps to require that organisations both within and outside the Top1 group of companies who handle or obtain personal information as service providers to us acknowledge the confidentiality of this information, undertake to respect any individual's right to privacy and comply with either the our privacy notice. Because the our Privacy Principles may not apply or be enforceable against some overseas recipients we understand that you may choose not to disclose your personal information to us. However, if



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you choose not to provide the information we need to fulfil your request for a specific product or service, we may not be able to provide you with the requested product or service.

## **UNSOLICITED INFORMATION**

If you provide us with personal information that we have not requested then we will endeavour to only retain the information that we are otherwise entitled to hold because of the products and services we provide. However, if this additional information is surplus to our requirements but is provided to us in a manner where it is combined with information that we are either required or entitled to retain then you acknowledge that this unsolicited information may be held by us in the same manner as the balance of your personal information.

## **MARKETING OUR PRODUCTS AND SERVICES**

As noted above, we may use your personal information to let you know about products and services or promotions or other opportunities in which you may be interested. If you no longer wish to receive such communications please phone us on +61 261720053, or email: [cs@top1markets.com](mailto:cs@top1markets.com).



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For marketing that you receive as a result of our use of cookies, please see the section dealing with cookies below. In particular please note the information about how to manage your preferences both personally and with any social media websites.

## **OUR WEBSITE(S), COOKIES AND TECHNOLOGY DEVELOPMENTS**

This section outlines some privacy issues specific to our website(s) and app(s). We may collect personal information you enter when using our website or our apps. This includes the use of cookies. Additional disclosure regarding our use of cookies is set out here.

## **WHAT IS A COOKIE AND HOW DO WE USE COOKIES?**

We use cookies to give you access to certain pages of our website(s) or our app(s) without having to log in each time you visit. We may also use independent external service providers to track the traffic and usage on the website(s).

Cookies are small pieces of text stored on your computer to help us determine the type of browser and settings you are using, where you have been on the website(s) or the app(s), when you return, where you came from, and to ensure your information is secure. The purpose of this information is to provide you with a more relevant and effective experience on our website(s) or our app(s), including presenting web pages according to your needs or preferences.



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## **MANAGING COOKIES AND MARKETING**

Cookies are frequently used on many websites on the internet and you can choose if and how a cookie will be accepted by changing your preferences and options in your browser. You may not be able to access some parts of websites or our app(s) if you choose to disable the cookie acceptance in your browser, particularly the secure parts of the website. We therefore recommend you enable cookie acceptance to benefit from all the services on the website. Please note that social media sites such as Twitter and Facebook will require you to manage your cookie preferences directly with them.

## **TECHNOLOGY DEVELOPMENTS**

We are constantly striving to improve functionality on our website(s). This may mean a change to the way in which personal information is collected or used. The impact of any technology changes which may affect your privacy, will be notified in this privacy notice as it may be updated from time to time.

## **LINKS TO THIRD PARTY WEBSITES**

Our website(s) or app(s) may have links to external third party websites that may benefit the user. Please note, however, that third party websites are not covered by our privacy notice and





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these sites are not subject to our privacy standards and procedures. Please check with each third party as to their privacy practices and procedures.

## **MANAGEMENT OF PERSONAL INFORMATION**

We train our employees who handle personal information to respect the confidentiality of customer information and the privacy of individuals. We regard breaches of your privacy very seriously and will impose appropriate penalties, including dismissal. Access to records containing TFN information is restricted to individuals who need to handle that information. We have an appointed Privacy Officer to ensure that our management of personal information is in accordance with this statement.

## **HOW DO WE STORE PERSONAL INFORMATION?**

Safeguarding the privacy of your information is important to us, whether you interact with us personally, by phone, mail, over the internet or other electronic medium. We hold personal information in a combination of secure computer storage facilities and paper-based files and other records, and, irrespective of the format of the information, take steps to protect the personal information we hold from interference, misuse, loss, unauthorized access, modification or disclosure. We may need to maintain records for a significant period of time.



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However, when we consider information is no longer needed, we will remove any details that will identify you or we will securely destroy the records.

## **HOW DO WE STORE AND SECURE PERSONAL INFORMATION THAT IS HELD ELECTRONICALLY?**

As information is more commonly held in electronic form, we take our obligations to protect electronically held personal information very seriously. This includes ensuring we meet OAIC guidelines regarding the appropriate levels of information and software security, governance and associated procedures.

## **HOW DO WE KEEP PERSONAL INFORMATION ACCURATE AND UP-TO-DATE?**

We endeavor to ensure that the personal information we hold is accurate and up-to-date. We realize that this information changes frequently with changes of address and other personal circumstances. We can generally update your customer information over the telephone, by email from your registered email address or online via the electronic trading service.

## **YOU HAVE THE RIGHT TO CHECK WHAT PERSONAL INFORMATION ABOUT YOU IS HELD BY US**

you have the right to obtain a copy of any personal information which we hold about you and



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to advise us of any perceived inaccuracy. The Act does set out some exceptions to this. To make a request, you will need to complete an application form verifying your identity and specifying what information you require. We will acknowledge your request within 14 days and respond promptly to it. We may charge a fee to cover the cost of verifying the application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, we will advise the likely cost in advance and can help to refine your request if required.

## **WHAT IF YOU HAVE A COMPLAINT?**

If you consider that any action of ours breaches this privacy notice doesn't respect your privacy, you can make a complaint. This will be acted upon promptly. To make a complaint, please phone us on +61 2 61720053, email: [cs@top1markets.com](mailto:cs@top1markets.com)

## **HOW TO CONTACT US?**

If you want to: • make a general enquiry about our privacy notice • change your personal information • access your personal customer service.



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## Access Policy

(1) This policy will govern all dealings between us and the applicant customer ('you', 'your', 'yours' and 'yourself' as appropriate) during the application process. Once you open an account with us, your dealings with us will be governed by the applicable customer agreement for that account type.

(2) In return for us granting you access to the Electronic Trading Services; you agree to the following terms. For the purposes of this policy, 'Electronic Trading Services' means any electronic services (together with any related software or application) accessible by whatever means we grant you access to or make available to you either directly or through a third-party service provider.

(3) You will take all reasonable steps to ensure that no computer viruses, worms, software bombs or similar items are introduced into any computer hardware, software, applications, equipment or network facilities you use to access our Electronic Trading Services.



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(4) We and our licensors (as the case may be) will retain the intellectual property rights in all elements of the software and such software and databases contained within our Electronic Trading Services and you will not in any circumstances obtain title or interest in such elements.

(5) With respect to any market data or other information that we or any third-party service provider provide to you in connection with your use of any Electronic Trading Services, you agree that:

(a) we and any such provider are not responsible or liable if any such data or information is inaccurate or incomplete in any respect;

(b) we and any such provider are not responsible or liable for any actions that you take or do not take based on such data or information;

(c) such data or information is proprietary to us and any such provider and you will not retransmit, redistribute, publish, disclose or display in whole or in part such data or information to third parties except as required by applicable regulations or as agreed by us;

(d) you will use such data or information solely in compliance with the applicable regulations and this policy; and (e) we may at our absolute discretion remove your access to market data at any time.



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(6) No one other than a party to this policy, their successors and permitted assignees shall have any right to enforce any of its terms.

(7) This policy and all our dealings with you are in all respects governed by and construed and interpreted in accordance with the law of the State of Victoria, and the courts of Victoria will have non-exclusive jurisdiction to settle any legal action or proceedings arising out of or in connection with this policy, including any noncontractual disputes and claims. Nothing in this term will prevent us from bringing proceedings against you in any other jurisdiction.

## **How do we use the personal information?**

We may use personal information for the following purposes:

### ***To verify your identity and establish and manage your account***

As part of providing services, or information about our services, to you, we will need to verify your identity to set you up as a customer and we will need to use those details in order to effectively manage your account with us to ensure that you are getting the best possible service from us. This may include third parties carrying out credit or identity checks on our behalf. It is not only in our legitimate interest to do so but the use of your personal



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information in this way is necessary for us to know who you are as we have a legal obligation to comply with certain Know Your Customer regulatory obligations.

***To provide you with products and services, or information about our products and services, and to review your ongoing needs***

Once you open an account with us, or subscribe to an update or webinar, we will need to use your personal information to perform our services and comply with our obligations to you. It is also in our legitimate interests to ensure that we are providing the best products and services so we may periodically review your needs to ensure that you are getting the benefit of the best possible products and services from us.

***To help us improve our products and services, including customer services, and develop and market new products and services***

We may from time to time use personal information provided by you through your use of the services and/or through customer surveys to help us improve our products and services. It is in our legitimate interests for us to use your personal information in this way to ensure that we provide you with the best products and services we can and to continue to be a market leader in our industry.



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## ***To form a profile about you***

We may from time to time use personal information about you to form profiles about you so that we can understand you and provide the very best products and services we can. We may also make decisions about you through automated profiling or automated credit checks which may affect your ability to use our services. We may need to do this either to perform our legal obligations or because it is in our legitimate interest to use your personal information in such a way.

## ***To investigate or settle enquiries or disputes***

We may need to use personal information collected from you to investigate issues and/or settle disputes with you as it is in our legitimate interests to ensure that issues and/or disputes get investigated and resolved as quickly and efficiently as possible.

## ***To comply with applicable law, court order, other judicial process, or the requirements of any applicable regulatory authorities***

We may need to use your personal information to comply with applicable law, court order or other judicial process, or the requirements of any applicable regulatory authority. We do





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this not only to comply with our legal obligations but because it may also be in our legitimate interest to do so.

## ***To provide references about you***

From time to time, third parties, such as credit agencies may approach us to provide a credit reference about you for credit and identity checks. It may be in our legitimate interest to comply with our legal obligations or we may be obliged to provide such a reference in order to comply with a legal obligation. However, if we are unsure, we will speak to you first before providing any reference.

## ***To send you surveys***

From time to time, we may send you surveys as part of our customer feedback process and it is in our legitimate interest to ask for feedback to ensure that we provide the best service to you. However, we may from time to time also ask you to participate in other surveys and if you agree to participate in such surveys, we rely on your consent to use the personal information we collect as part of such survey. All responses to any survey we send out whether for customer feedback or otherwise will be aggregated and depersonalized before survey results are shared with any third parties.



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## **Data analysis**

Our web pages and e-mails may contain web beacons or pixel tags or any other similar type of data analysis tools which allow us to track receipt of correspondence and to count the number of users that have visited our webpage or opened our correspondence. Where your personal information is completely anonymized, we do not require a legal basis as the information will no longer constitute personal information. However, where your personal information is not in an anonymized form, it is in our legitimate interest to continually evaluate that personal information to ensure that the products and services we provide are relevant to the market.

## **Marketing by us**

We may use your personal information to send you marketing communications by email or phone or other agreed forms (including social media campaigns) to ensure that you are always kept up to date with our latest products and services. Where we send you marketing communications, we will either do so as it is in our legitimate interest or with your consent.

## **Internal business purposes and record keeping**

We may need to process your personal information for internal business and research purposes and record keeping purposes. Such processing is in our own legitimate interests and



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is required in order to comply with our legal obligations. This may include any communications that we have with you in relation to the services we provide to you and our relationship with you. We will also keep records to ensure that you comply with your obligations under any contract you have entered into with us.

## **Corporate restructuring**

If we undergo a corporate restructure or part or all of our business is acquired by a third party, we may need to use your personal information in association with that restructure or acquisition. Such use may involve disclosing your details as part of a due diligence exercise. It is our legitimate interest to use your information in this way provided we comply with any legal obligation we have to you.

## **Security**

If you enter any of our premises, we may record your image on our TV for security reasons. We may also take your details to keep a record of who has entered our premises on any given day. It is in our legitimate interest to do this to maintain a safe and secure working environment.



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## **The personal information we hold about you**

The information about any rights that might be available to you in relation to the personal information we hold about you is set out below.

### **Access**

If you ask us, we will confirm whether we are processing your personal information and, if so, provide you with a copy of that personal information (along with certain other details). If you require additional copies, we may need to charge a reasonable administration fee in accordance with applicable laws and regulations.

### **Rectification**

If the personal information we hold about you is inaccurate or incomplete, you are entitled to have it rectified. If we have shared your personal information with others, we will let them know about the rectification where possible. If you ask us, where possible and lawful to do so, we will also tell you who we have shared your personal information with so that you can contact them directly.