



Privacy Policy

EC Markets Financial Limited

September 2024

Part 1 – Introduction

1. General

- 1.1 **EC Markets Financial Limited** and its authorised representative (together, referred to as "**EC Markets**", "**we**", "**us**" or "**our**"), is a provider of financial products and services (the **EC Markets Services**).
- 1.2 This privacy policy (**Privacy Policy**) sets out how we handle personal information which we hold about you and which we gather or is provided to us in the course of providing the EC Markets Services.
- 1.4 EC Markets is required to comply with the Australian Privacy Principles (**APPs**) in the *Privacy Act 1988* (Cth) and the New Zealand Information Privacy Principles (**IPPs**) in the *Privacy Act 1993* (NZ) (together, the **Act** or **Acts**, as the context requires). The APPs and IPPs regulate the manner in which personal information is handled throughout its life cycle, from collection to use and disclosure, storage, accessibility and disposal.

2. What is personal information?

- 2.1 Under the Acts, personal information means information or an opinion, whether true or not and whether recorded in a material form or not, about an individual who is identified or reasonably identifiable.

3. Employee records

- 3.1 We are generally exempt from the Privacy Act when we collect, and handle employee records and this Privacy Policy does not apply to that information. However, where State or Territory health privacy legislation applies, we are still required to protect the privacy of employee health information. This Privacy Policy will apply in those circumstances.

Part 2 – Collection

4. Collection of personal information

4.1 The type of personal information that we collect about you depends on the type of dealings you have with us. We only collect personal information to the extent necessary for one or more of our functions or activities.

4.2 For example, if you:

4.2.1 **register a demo account with us**, the information we may collect about you includes your client login, username and password, email address, name, title, date of birth, home address, postcode, country of residence, telephone numbers, trading experience and base currency;

4.2.2 **register a live account with us**, the information we may collect about you includes your identity documents such as a copy of your passport, driver's license or national identity card and address verification documents such as a bank statement or utility bill, as well as information regarding the suitability of products and services such as your knowledge, experience and level of understanding of products and services.

4.2.3 **post material through our community or blog**, the information we may collect about you includes your name, contact details, address and posted content;

4.2.4 **send us an enquiry or provide us with feedback**, the information we may collect about you includes your name, contact details, details of your enquiry or feedback and information about our response;

4.2.5 **apply for a job with us**, the information we may collect about you includes the information you include in your job application, including your cover letter, resume, contact details and referee reports;

4.2.6 **subscribe to receive any newsletters or publications**, the information we may collect about you includes the information you provided to receive the relevant materials;

4.2.7 **sign-up to any promotions**, the information we may collect about you includes the information you provided to enter the promotion.

5. Sensitive Information

5.1 Under the Australian Act, sensitive information is a subset of personal information that is generally afforded a higher level of privacy protection.

5.2 We will not collect sensitive information except where it is reasonably necessary for our functions or activities and, either:

5.2.1 you have consented; or

5.2.2 we are required or authorised to do so by law (including applicable privacy legislation).

6. Collection of information other than personal information through our website

When you visit our website, some of the information that is collected about your visit is not personal information, as it does not reveal your identity.

6.1 ***Site visit information***

6.1.1 For example, we record your IP address, the date and time of your visit, the pages you visited, any documents you downloaded, the previous site you visited and the type of device, browser and operating system you used.

6.1.2 We use and disclose this information in anonymous, aggregated form only, for purposes including statistical analysis and to assist us to improve the functionality and usability of our website. You are not individually identified; however, we reserve the right to use or disclose

this information to try to locate an individual where we reasonably believe that the individual may have engaged in any unlawful or inappropriate activity in connection with our website, or where we are otherwise required or authorised by law to do so.

6.2 Cookies

- 6.2.1 We may place a “cookie” on any computer you use to access the website. A cookie is a small string of information that a website transfers to your browser for identification purposes. The cookies we use do not identify individual users, although they do identify the user's session with the website.
- 6.2.2 We use cookies to hold anonymous session information. This information is used to personalise your current visit to the website, for example to allow the website to remember who you are by keeping server variables linked to your session.
- 6.2.4 Most internet browsers are set to accept cookies. If you prefer not to receive them, you can adjust your internet browser to reject cookies, or to notify you when they are being used. Rejecting cookies can, however, limit the functionality of our website.

7. What if you don't provide us with your personal information?

If you do not provide any requested personal information to us, we may not be able to provide you with access to and use of the EC Markets Services.

Part 3 – How EC Markets collects personal information

8. Methods of collection

- 8.1 We collect personal information in a number of ways, including:
 - 8.1.1 directly from you in person, through our website or social media platforms, in writing or over the phone;

8.1.2 from third parties, including:

- (a) public records (such as electoral roll information and national telephone directories for identification purposes);
- (b) public bodies (such as ASIC, the New Zealand company register, the Department of Immigration and Border Protection, State or Territory driver's license authorities and the Australian Passport Office or the New Zealand Department of Internal affairs for identification purposes); or
- (c) private organizations (such as a driver's license, passport or national ID card as well as address verification in the form of a bank statement or utility bill through our partnerships with third party verification and data storage providers for the purposes of identity verification).

9. Unsolicited information

9.1 Unsolicited personal information is personal information we receive that we have taken no active steps to collect (such as an employment application sent to us by an individual on their own initiative, rather than in response to a job advertisement). We may keep records of unsolicited personal information if the Acts permit it (for example, if the information is reasonably necessary for one or more of our functions or activities). If not, we will destroy or de-identify the information as soon as practicable, provided it is lawful and reasonable to do so.

Part 4 - Why EC Markets collects Personal Information

10. Main purposes of collection

10.1 The main purposes for which we collect, hold, use and disclose personal information are set out below:

- 10.1.1 providing and administering our services to you, including managing our relationship with you;
 - 10.1.3 obtaining professional, financial, technical, administrative or other advice and services in connection with the operation of our business;
 - 10.1.4 promoting ourselves and our products and services, including through direct marketing or events;
 - 10.1.5 performing research and statistical analysis, including for customer satisfaction and service improvement purposes;
 - 10.1.7 recruiting staff and contractors; and
 - 10.1.8 meeting our “Know your Customer” obligations under the *Anti-Money Laundering and Counter-Terrorism Financing* (AML/CTF Act), and the *Anti-Money Laundering and Counter-Terrorism Financing Rules* (AML/CTF Rules).
- 10.2 We may also collect, hold, use and disclose personal information for other purposes explained at the time of collection or:
- 11.2.1 which are required or authorised by or under law (including, without limitation, privacy legislation); and
 - 11.2.2 for which you have provided your consent.

11. Direct marketing

- 11.1 We may use your personal information to let you know about us and our products and services (including promotions, special offers and events) either where we have your express or implied consent, or where we are otherwise permitted by law to do so. We may contact you for these purposes in a variety of ways, including by mail, email, SMS, telephone, online advertising or facsimile.
- 11.2 We may also use your personal information to provide you with information about products and services available from our affiliated entities. Our affiliated entities include banks and credit card processing agents.

12. Opting out

- 12.1 Where you have consented to receiving marketing communications from us, your consent will remain current until you advise us otherwise. However, you can opt out at any time, by:
- 12.1.1 contacting us (details at paragraph 23 below); and

- 12.1.2 advising us if you receive a marketing call that you no longer wish to receive these calls.

Part 5 - Who EC Markets may share your Personal Information with

13. Disclosure of Personal Information

- 13.1 We may disclose (and you are deemed to consent to us disclosing) your personal information with third parties for the purposes for which it is collected under paragraph 10 and for any related purposes, including to:
 - 13.1.1 financial institutions for payment processing;
 - 13.1.2 referees whose details are provided to us by job applicants;
 - 13.1.3 any person where necessary or desirable in connection with the provision of the website and the EC Markets Services to you;
 - 13.1.4 any person where necessary or desirable in connection with the management of our relationship with you;
 - 13.1.5 our external advisors, service providers, subcontractors, data storage providers and suppliers, so that they can provide professional, financial, technical, administrative or other advice and services in connection with the operation of our business;
 - 13.1.6 its affiliated entities for the purpose of such affiliated entities contacting you about their products and services;
 - 13.1.7 any person who acquires or expresses an interest in acquiring all or any part of our business;
 - 13.1.8 any person where necessary or desirable in connection with our investigating, preventing or taking action regarding any breach or suspected breach by you of the Terms of Use or any law; and

- 13.1.9 any person as required or authorised by or under law, and to any other person to whom you subsequently consent from time to time.
- 13.2 In each case, we may disclose personal information to the service provider and the service provider may in turn provide us with personal information collected from you in the course of providing the relevant products or services.

Part 6 – Cross border disclosure of personal information

14. Cross border disclosure

- 14.1 We provide our services to and in New Zealand and Australia. We may disclose (and you are deemed to consent to our disclosing) your personal information between Australia and New Zealand, and outside of Australia and New Zealand:
 - 14.1.1 where we reasonably believe that the person who will receive your personal information is subject to a law, or binding scheme, that protects personal information in a way that, overall, is at least substantially similar to the protection of personal information by the APPs and IPPs, as the context requires;
 - 14.1.2 where the disclosure is necessary for the performance of any contract between you and us or for the implementation of pre-contractual measures;
 - 14.1.3 where the disclosure is for your benefit, and it is impractical for us to obtain your consent, but if it were practical you would be likely to consent; or
 - 14.1.4 as required or authorised by or under law, and where you subsequently consent from time to time.
- 14.2 We may disclose your personal information to our contracted service providers and our affiliates. At present, we may disclose your personal information to persons located in third countries.

- 14.3 However, such locations may change as the need arises.
- 14.4 In each case, we will comply with the requirements of the Act that apply to cross border disclosures of personal information.

Part 7 - Data flow, quality and security

15. Data quality

- 15.1 We hold personal information in a number of ways, including in hard copy documents, electronic databases, and email contact lists. We take reasonable steps to:
 - 15.1.1 make sure that the personal information that we collect, use and disclose is accurate, up to date and complete and, in the case of use and disclosure, relevant;
 - 15.1.2 protect the personal information that we hold from misuse, interference and loss and from unauthorised access, modification or disclosure; and
 - 15.1.3 destroy or permanently de-identify personal information that is no longer needed for any purpose that is permitted by the APPs or IPPs, as the context requires.
- 15.2 You can help us keep your information up to date, by letting us know about any changes to your details, such as your address, email address or phone number.

Part 8 – Accessing and correcting personal information

16. Accessing your personal information

- 16.1 You may (free of charge) request that we confirm whether we hold any personal information about you and, where applicable, request that we provide you with a copy of your personal information.
- 16.2 Where we agree to provide you with a copy of your personal information, the provision of such personal information is subject to the payment of NZD \$50 (or

the equivalent in another currency) charge. We will require adequate proof of your identity before disclosing any personal information to you in accordance with our Terms of Use.

- 16.3 We will also generally provide access in the manner that you have requested (e.g. by providing electronic copies or allowing a file to be viewed), provided it is reasonable and practicable for us to do so.

17. Correcting personal information

- 17.1 If you are able to establish that your personal information is not accurate, complete or up to date, we will take reasonable steps to correct such personal information so that it is up-to-date, complete, relevant and not misleading.
- 17.2 If we are unable to agree about whether your personal information is accurate, complete and up to date and you request that we associate with your personal information a statement claiming that such personal information is not accurate, complete or up to date, we will take reasonable steps to do so.
- 17.3 If we correct personal information about you, and we have previously disclosed that information to another agency or organisation that is subject to the Act, you may ask us to notify that other entity. If so, we will take reasonable steps to do so, unless this would be impracticable or unlawful.
- 17.4 We may refuse to provide you with a copy of or to correct your personal information in certain circumstances but will provide you with reasons for our refusal to do so.

18. Timeframe for access and correction requests

- 18.1 Except in the case of more complicated requests, we will endeavour to respond to access and correction requests within 30 days.

Part 9 – Complaints

19. Complaints

- 19.1 If you have a complaint about how we have collected or handled your personal information, please contact us (details under paragraph 23 below). We will endeavour in the first instance to deal with your complaint and take any steps

necessary to resolve the matter within a week. If your complaint can't be resolved at the first instance, we will ask you to complete a Privacy Complaint Form.

20. Complaints process

- 20.1 We will endeavour to acknowledge receipt of the Privacy Complaint Form within 5 business days of receiving it to complete our investigation into your complaint in a timely manner. This may include, for example, gathering the relevant facts, locating and reviewing relevant documents and speaking to relevant individuals.
- 20.2 In most cases, we expect that complaints will be investigated and a response provided within 30 days of receipt of the Privacy Complaint Form. If the matter is more complex and our investigation may take longer, we will write and let you know, and tell you when we expect to provide our response.
- 20.3 If you are not satisfied with our response, you can refer your complaint to:
 - 20.3.1 the Office of the Australian Information Commissioner (see www.oaic.gov.au for further information) or, in some instances, other regulatory bodies, such as the Australian Communications and Media Authority (see www.acma.gov.au); or
 - 20.3.2 the New Zealand Office of the Privacy Commissioner (see www.privacy.org.nz or further information) or, in some instances, other regulatory bodies, such as the Ministry of Business, Innovation & Employment (see www.mbie.govt.nz)

Part 10 – Other

21. Contractors

- 21.1 We may contract out particular services from time to time. We will endeavour to require contractors to comply with the Acts in all respects.

22. Updating our Privacy Policy

- 22.1 As our operations grow and change, we may revise our Privacy Policy. We will keep you updated on these changes by posting new versions of our policy on the website.
- 22.2 By providing your personal information to us or by using the website, you accept our current policy.

Part 11 – Contacting EC Markets

23. Contact details

- 23.1 All correspondence to us, including any queries or complaints you may have regarding your use of the website or this Privacy Policy, should be emailed to **compliance@ecmarkets.co.nz**