

Dear Client,

### ABN AMRO Clearing Sydney Pty Limited Privacy Policy

ABN AMRO Clearing Sydney Pty Ltd (ABN 36 081 279 889) ('we', 'our' or 'us') collects Personal Information<sup>1</sup> about you directly from you, from our client with whom you have an association, from our related companies, from our service providers or from publicly available sources for the purpose of providing financial services to, and managing our relationship with, our client.

If we do not collect this Personal Information, this may affect our ability to provide services to our client (with whom you have an association).

Our Privacy Policy, which is attached for your information and review, is also available on our website <https://www.abnamroclearing.com/en/what-we-do/customer-disclosures/asia-pacific/index.html>. We may make changes to our Privacy Policy from time to time and we recommend that you check our website regularly for the latest version.

In connection with our service or business operations, we may transfer or disclose your Personal Information to our related companies (including but not limited to ABN AMRO Group and its branches including ABN AMRO Clearing Hong Kong Ltd, ABN AMRO Clearing Tokyo Co., Ltd, ABN AMRO Clearing Chicago LLC and ABN AMRO Clearing Bank NV) and to third parties that provide us with (or assist us to provide) services (e.g. to World-Check, which assists us with Know Your Customer services). If requested or required by law, we may also transfer or disclose your Personal Information to regulators and service providers. Some of the above recipients of Personal Information may be overseas, including in the Netherlands, the USA, Hong Kong, Singapore, Japan and India.

Our Privacy Policy (available at <https://www.abnamroclearing.com/en/what-we-do/customer-disclosures/asia-pacific/index.html>) states how you can seek to access or correct any Personal Information we hold about you, how to complain about a privacy breach and how we will deal with a privacy complaint.

Should you have any questions in relation to our Privacy Policy or this letter, please contact our commercial department at [commercial@au.abnamroclearing.com](mailto:commercial@au.abnamroclearing.com) or our Privacy Officer at [compliance@au.abnamroclearing.com](mailto:compliance@au.abnamroclearing.com)

ABN AMRO Clearing Sydney Pty Ltd  
ABN 36 081 279 889  
Level 11, 580 George Street  
SYDNEY NSW 2000  
Australia  
Tel. +61 2 8221 3000

**Enclosed: ABN AMRO CLEARING SYDNEY PTY LTD PRIVACY POLICY**

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<sup>1</sup> Personal Information includes any information or opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about you. Personal information includes 'sensitive information'.

## ABN AMRO CLEARING SYDNEY PTY LTD PRIVACY POLICY

### 1. ABN AMRO CLEARING SYDNEY PTY LTD 'S COMMITMENT

ABN AMRO Clearing Sydney Pty Ltd (ABN 36 081 279 889) (**ABN AMRO Clearing Sydney**) is committed to the protection of privacy of individuals (**you** or **your**) and ensuring that your Personal Information is handled in accordance with the law. ABN AMRO Clearing Sydney forms part of the ABN AMRO Group N.V. group of entities (the **ABN AMRO Group**). References to “we”, “us” and “our” in this Privacy Policy (**this Policy**) are references to ABN AMRO Clearing Sydney.

ABN AMRO Clearing Sydney is bound by the Australian Privacy Principles (the **Privacy Principles**) of the Privacy Act 1988 (Cth) (the **Privacy Act**), in addition to general law principles that govern privacy. A copy of the Privacy Principles can be obtained from [www.oaic.gov.au](http://www.oaic.gov.au)

### 2. ABOUT THIS POLICY

This Policy sets out how we collect, store, access, use and disclose your Personal Information under the Privacy Principles, as well as our legal obligations and rights as to that information, in addition to general law principles that govern privacy.

It is important that you read and understand this Privacy Policy.

### 3. WHAT IS PERSONAL INFORMATION

In this Policy, Personal Information means information or an opinion about an identified individual, or an individual who is reasonably identifiable whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not..

Although we aim to ensure that all information we hold is accurate, Personal Information may also include any inaccurate information about that individual.

### 4. WHY WE COLLECT PERSONAL INFORMATION

ABN AMRO Clearing Sydney will collect Personal Information from you in order to manage its relationship with its client (**Client**) in connection with the financial services provided to that Client. For example, ABN AMRO Clearing Sydney collects Personal Information in order to:

- assist in the Client’s ongoing relationship with ABN AMRO Clearing Sydney;
- comply with the law (for example, when verifying your identity as required under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth)); and
- protect against fraud.

### 5. TYPES OF INFORMATION WE COLLECT

The type of Personal Information that ABN AMRO Clearing Sydney collects from you depends on the relationship between you, the Client and ABN AMRO Clearing Sydney. We will only collect Personal Information if it is necessary for one or more of our functions or activities. The Personal Information that we collect from you may include:

- identifying information such as your name, date of birth and contact details (residential, postal, email addresses, telephone numbers etc.);
- employment history;
- information that we are required to obtain to comply with the law and regulations as applicable to us; and

- other information considered necessary for the provision of one of our products or services to the Client.

When you browse our website, you generally do so anonymously. For more information, please refer to the below sections on IP addresses (section 10) and cookies (section 11).

ABN AMRO Clearing Sydney will not collect sensitive information about you without your prior consent, unless: required by law; necessary to prevent or lessen a serious and imminent threat; or necessary for the establishment, exercise or defence of a legal or equitable claim. Sensitive information is defined in the Privacy Act to include information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or trade union, sexual preferences or practices, criminal record or health or genetic information. If collected, ABN AMRO Clearing Sydney will treat the sensitive information in accordance with the Privacy Principles and ensure that they are dealt with in process to apply a higher level of protection.

## **6. HOW WE COLLECT PERSONAL INFORMATION**

We collect Personal Information in number of ways including:

- directly from you;
- when our Client provides your information with your consent in an application form submitted to us; or
- when you act as a director, company secretary or an authorised officer or an authorised person (e.g. trader) to our Client, or an underlying client of our Client.

Unless it is not reasonable and practicable to do so, ABN AMRO Clearing Sydney will only collect your Personal Information from you. In certain circumstances, however, ABN AMRO Clearing Sydney may collect Personal Information (including Sensitive Information, with your consent) from third parties, including publicly available sources of information and other organisations within the ABN AMRO Group.

When you browse our website, you generally do so anonymously but please refer to sections 10 and 11 below on IP addresses and cookies. We do not automatically collect Personal Information at our website including but not limited to your email address, unless you provide such information or login with your account credentials. However, if you access a third party website via ABN AMRO Clearing Sydney, your personal information may be collected by that third party. In these cases, we recommend that you consult the privacy policy of that third party.

We will record the telephone calls as required by the relevant laws and regulations applicable to us.

## **7. HOW WE USE AND DISCLOSE YOUR PERSONAL INFORMATION**

We may hold, use and disclose your Personal Information for the purpose of providing financial services to our Client and managing our business. This may include:

- to establish your identity and assessing and processing your application for products and services;
- to administer our products and services;
- managing our relationship with you;
- managing the administrative and business operations of ABN AMRO Clearing Sydney and complying with internal policies and procedures;
- matching any Personal Information held which relates to you for any of the purposes listed herein;
- resolving complaints and handling requests and enquiries;
- preventing, detecting and investigating crime, including fraud and money-laundering, and analysing and managing commercial risks;
- maintaining security of ABN AMRO Clearing Sydney premises (including but not limited to CCTV surveillance);
- managing ad hoc projects and initiatives;
- generating reports and analytics in relation to our products and services;

- meeting or complying with any applicable rules, laws, regulations, codes of practice or guidelines issued by any legal or regulatory bodies which are binding on ABN AMRO Clearing Sydney (including but not limited to disclosures to regulatory bodies, conducting audit checks, surveillance and investigation);
- for legal purposes (including but not limited to drafting and reviewing documents, obtaining legal advice and facilitating dispute resolution);
- for purposes which are reasonably related to the above;
- for direct marketing (If we have obtained your consent); and
- other purposes which are reasonably related to above

Your Personal Information held with us shall be kept confidential. However, in order to provide you and our Client with continuous services, your Personal Information may be disclosed:

- to entities within ABN AMRO Group;
- to brokers who are counterparties to the transactions settled for our Client;
- to agents, contractors or third party service providers who provide operational services to ABN AMRO Clearing Sydney;
- to any business partner, investor, assignee or transferee (actual or prospective) to facilitate business asset transactions (which may extend to any merger, acquisition or asset sale) involving ABN AMRO Clearing Sydney;
- to our professional advisers such as financial advisors, auditors and lawyers ;
- to relevant government regulators, statutory boards or authorities or law enforcement agencies to comply with any laws, rules, guidelines and regulations or schemes imposed by any governmental authority such as Australian Securities and Investments Commission, Australian Exchanges, and the Australian Transaction Reports and Analysis Centre;
- to counterparties, billing organisations and their respective banks in relation to fund transfers and payments;
- as permitted under the client agreement with a Client of ABN AMRO Clearing Sydney of which you are the owner, chairman, director, employee, authorised officer or guarantor; and
- to any other party to whom you authorise us to disclose your Personal Information.

If you are an external service provider providing services to ABN AMRO Clearing Sydney, we collect, use and disclose your Personal Information for the following purposes:

- managing and evaluating project tenders;
- processing and payment of vendor invoices; and
- other purposes which are reasonably related to the above.

Personal Information collected by ABN AMRO Clearing Sydney is handled in accordance with the Privacy Principles. Personal Information collected by ABN AMRO Clearing Sydney will be used and/or disclosed only for the primary purpose for which it was collected, or for a secondary purpose in accordance with the Privacy Principles, for example:

- With your consent;
- Where the use or disclosure falls within an exception sets out in the Privacy Principle 6 such as where we reasonably believe that your information is reasonably necessary for one or more enforcement related activities of an enforcement body; or
- Where it is related to the primary purpose of collection and you would reasonably expect ABN AMRO Clearing Sydney to use or disclose the information for that secondary purpose.

ABN AMRO Clearing Sydney may be required to provide your Personal Information to other entities within the ABN AMRO Group or to local or overseas third parties in connection with our service or business operations, for example, to enable them to provide various support services to ABN AMRO Clearing Sydney. Some of the recipients of Personal Information may be overseas including in the Netherlands, the USA, Hong Kong, Singapore, Japan and India. This may also include professional service firms that provide services to us such as legal, and audit services.

In addition, ABN AMRO Clearing Sydney may be required or authorised by law to disclose your Personal Information for a secondary purpose. The Privacy Principles outline circumstances in which ABN AMRO Clearing Sydney may disclose Personal Information for a secondary purpose.

In general, we do not use or disclose your Personal Information for a purpose other than:

- a purpose set out in this Privacy Policy;
- a purpose you would reasonably expect;
- a purpose required or permitted by law, or
- a purpose otherwise disclosed to you to which you have consented.

ABN AMRO Clearing Sydney is a financial service provider and a market participant, and in these capacities it must comply with Anti Money Laundering and Counter- Terrorism Financing laws and other financial market laws. Therefore, it has an obligation to take all necessary steps to prevent money laundering and counter-terrorism financing and also maintain the integrity of the market. Accordingly, we may use and disclose your Personal Information within the ABN AMRO Group where we believe that such use and disclosure of your Personal Information will assist ABN AMRO Group to comply with its legal and/or regulatory obligations..

## 8. STORAGE AND SECURITY OF INFORMATION

Your Personal Information may be stored by ABN AMRO Clearing Sydney or on its behalf by a third party service provider, electronically or in hardcopy in Australia or overseas. ABN AMRO Clearing Sydney takes reasonable steps to ensure the security of your Personal Information and to protect it from misuse, loss and from unauthorised access, modification or disclosure. Information is protected in a number of ways, including through the maintenance of a secure electronic environment at ABN AMRO Clearing Sydney and by ensuring adherence to internal policies on the protection of information and confidentiality.

ABN AMRO Clearing Sydney will take reasonable steps to destroy or permanently de-identify your Personal Information if it is no longer needed for any purpose for which use and disclosure is permitted subject to our legal obligations to keep some information for certain prescribed periods.

## 9. CROSS-BORDER DISCLOSURE OF PERSONAL INFORMATION

ABN AMRO Clearing Sydney may disclose your Personal Information to overseas entities (for example, an entity related to ABN AMRO Clearing Sydney or a third party service provider in connection with our service or business operations) located in countries including but not limited to the Netherlands, the USA, Hong Kong, Singapore, Japan and India. ABN AMRO Clearing Sydney will only provide your information to an overseas entity with your consent or without your consent in accordance with the Privacy Principles, for example:

- If it is necessary for the performance of a contract or pre-contractual measure between ABN AMRO Clearing Sydney and the Client;
- If ABN AMRO Clearing Sydney has taken reasonable steps to ensure that the information which is to be transferred will not be held, used or disclosed by the recipient inconsistently with the Privacy Principles; or
- If you consent to the cross border disclosure after we inform you that the consequence of giving your consent is that the requirement in the Australian Privacy Principle (**APP**) 8.1 will not apply.

APP 8.1 provides that where Personal Information of an individual is disclosed overseas to a person other than the disclosing entity or the individual who is the subject of the information, the disclosing entity must take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach Australian Privacy Principles in relation to the information. An exception to this requirement set out in APP 8.1 is where an individual consents to the cross border disclosure after being informed by the disclosing entity that if the individual consents to such disclosure of the information, the requirement in APP 8.1 will not apply.

## 10. IP ADDRESS

An IP address is a number that is automatically assigned to your computer when you signed up with an Internet Service Provider. When you visit our website, your IP address is automatically logged in our server. We use your IP address to help diagnose problems with our server, and to administer our website. From your IP address, we may identify the general geographic area from which the IP-Address you are using to access our website has been issued, however we will not be able to pinpoint the exact geographic location from which you are accessing our website. Generally we do not link your IP address to anything that can enable us to identify you unless it is required by applicable laws and regulations.

## 11. INFORMATION ON COOKIES

A cookie is an element of data that a website can send to your browser, which may then store it on your system. We use cookies in some of our pages to store visitors' preferences and record session information. The information that we collect is then used to ensure a more personalised service level for our users. You can adjust settings on your browser so that you will be notified when you receive a cookie. Should you wish to disable the cookies associated with these technologies, you may do so by changing the setting on your browser. Please refer to your browser documentation to check if cookies have been enabled on your computer or to request not to receive cookies.

## 12. DIRECT MARKETING

If you have indicated that you consent to receiving marketing or promotional information), then from time to time, ABN AMRO Clearing Sydney may contact you (including via telephone, voice calls, text, or other means) with information about our products and services (including discounts and special offers). If you do not wish to receive marketing material from ABN AMRO Clearing Sydney, please contact us on the contact details given in this Policy. ABN AMRO Clearing Sydney will not provide your information to non-ABN AMRO Group entities for marketing purposes.

## 13. ACCESS TO AND CORRECTION OF YOUR PERSONAL INFORMATION

You have a right to access the Personal Information that ABN AMRO Clearing Sydney holds about you, subject to a number of exceptions provided by law. These exceptions to your right of access include but not limited to where:

- access would pose a serious and imminent threat to the life or health of any individual;
- access would have an unreasonable impact on the privacy of others;
- the request for access is frivolous or vexatious;
- the information relates to existing or anticipated legal proceedings;
- providing access would prejudice negotiations;
- providing access would be unlawful;
- denying access is required or authorised by or under law;
- providing access would prejudice an investigation of possible unlawful activity; or
- it falls under another circumstance as outlined in the Privacy Principles.

If you wish to gain access to your Personal Information held by ABN AMRO Clearing Sydney, please contact us at the contact details given in this Policy. We will try to make your information available within 30 days from the date you requested for it. Before we give you this information, we will need to confirm your identity.

In some cases we may refuse to provide you with access or provide access to part of your information only. If we do this, we will advise of our decision. If you are not satisfied with our response, you can make a complaint using our complaints process in section 17 below.

ABN AMRO Clearing Sydney takes reasonable steps to ensure that your Personal Information is accurate, complete and up-to-date. If you believe that the Personal Information we hold about you is not accurate,

complete or up-to-date, please contact ABN AMRO Clearing Sydney at the contact details given in this Policy. Changes to some details such as a change of name may require additional documentation to verify the change.

#### **14. CHOOSING NOT TO PROVIDE YOUR PERSONAL INFORMATION TO US**

You may deal with ABN AMRO Clearing Sydney anonymously where it is permitted by law and practicable. However, if you choose not to provide part or all of the Personal Information required by ABN AMRO Clearing Sydney, it may affect the ability of ABN AMRO Clearing Sydney to manage your relationship and/or the Client's relationship with ABN AMRO Clearing Sydney and to provide financial services to the Client.

#### **15. OPENNESS**

This Policy sets out our policy on the management of your Personal Information. This Policy is available on our website <http://www.abnamroclearing.com/en/global-reach/asia-pacific/privacy/index.html> and any amendment to this Policy will be updated on our website. This Policy is made freely available in hardcopy, if requested.

#### **16. HOW TO CONTACT US**

If you would like more information about how we manage your Personal Information or if you wish to change your contact information, please contact us or write to us, at the following contact details:

Privacy Officer  
ABN AMRO Clearing Sydney Pty Ltd  
ABN 36 081 279 889  
Level 11, 580 George Street  
SYDNEY NSW 2000  
+61 2 8221 3000  
[compliance@au.abnamroclearing.com](mailto:compliance@au.abnamroclearing.com)

#### **17. COMPLAINTS ABOUT YOUR PRIVACY**

If you have any concerns about any breach or potential breach of your privacy, please contact our Privacy Officer in writing via post or email at the above address.

We will make every effort to resolve your complaint internally and as soon as practicable and in any event within 30 days from receipt of your complaint.

If you feel that your complaint has not been resolved to your satisfaction, you may then take your complaint to the Office of the Australian Information Commission (**OAIC**).

For more information on how you may lodge a complaint with OAIC, please contact the OAIC:

- by Telephone on 1300 363 992; or
- via email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) or
- by visiting their website <http://www.oaic.gov.au>