

Privacy Policy

5 NOVEMBER 2018

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PRIVACY POLICY

Collection

This Privacy Policy explains how Bacera Co Pty Ltd (BCR) collects personal information, maintains, uses and discloses that information. It also provides some detail about Client's rights. The provisions of this notice apply to former clients, current clients and applicants.

In accordance with the Anti-Money Laundering and Counter-Terrorism Financing Act 2006, BCR has an obligation to collect information and verify the identity of its clients. This information is referred to as Know Your Client information or KYC information. Specifically, the information we collect for KYC identification may include identity, contact details, National Identifier, Socio-demographic, transactional, financial, contractual, documentary data, etc. BCR will carry out its customer identification and verification procedures in accordance with the Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012. BCR is bound by, and committed to the terms of the Privacy Act 1988 and the Australian Privacy Principles forming part of that Act. The Australian Privacy Principles are contained in schedule 1 of the Privacy Act 1988.

BCR will also maintain records of all transactions and activities on the Client's account(s), including, but not limited to, details of liquidations on the Client's account(s). BCR may also collect information about the Client from publicly available sources such as company registers. The Client's personal information will be held by BCR strictly in accordance with the Australian Privacy Principles in the Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012. At any time, upon request, the Client may gain access to the information BCR holds about the Client. BCR may also record telephone conversations between the Client and persons working for BCR. Such recordings, or transcripts from such recordings, may be used to resolve any dispute between the Client and BCR and with a view to satisfying BCR's statutory obligations including requests from regulators and other government bodies. BCR will also collect and hold information about the Client when the Client completes an online application or other type of form or operates and deals on the Client's Account through BCR's website(s).

BCR may collect sensitive information about a Client if:

- The collection is required or authorised by Australian Law or court/tribunal order;
- The client consents to the collection and the information is reasonably necessary for BCR's functions and activities;
- BCR reasonably believes that collection is necessary to lessen or prevent a serious threat to the life, health or safety to an individual or the public, and it is unreasonable or impracticable to obtain the clients' consent to the collection;
- BCR has reason to suspect that unlawful activity or misconduct of a serious nature that relates to BCR's functions or activities is being or may be engaged in;
- BCR believes that the collection is reasonably necessary to assist to locate a person who has been reported as missing.

The Client need not give BCR any of the personal information about the Client requested in the application forms. However, without that information BCR may not be able to open an account for the Client and/or provide services to the Client. While BCR make every effort to ensure that all information BCR hold about Client is accurate, complete and up to date, Client need to notify BCR promptly if there are any changes to your personal information. Should the Client have any questions or complaints about the Client's privacy, the Client should contact BCR. If a complaint is not resolved by BCR to the Client's satisfaction, the Client may complain to the Privacy Commissioner who may investigate your complaint further.

From time to time, we may receive personal information about you from third party sources, but only where we have checked that these third parties either have your consent or are otherwise legally permitted or required to disclose your personal information to us. We use the information we receive from these third parties to enhance the services we provide to you, such as providing curated content that is relevant to services we provide you or topics you are interested in.

When you visit our website, we may collect certain information automatically from your device. In some countries, including countries in the European Economic Area (EEA), this information may be considered personal information under applicable data protection laws.

Specifically, the information we collect automatically may include information like your IP address, device type, unique device identification numbers, browser-type, broad geographic location (for example, country or city-level location) and other technical information. We may also collect information about how your device has interacted with our website, including the pages accessed and links clicked.

Collecting this information enables us to better understand the visitors who come to our website, where they come from, and what content on our website is of interest to them. We use this information for our internal analytics purposes and to improve the quality and relevance of our website to our visitors.

Access and Correction

The Client can gain access to his/her personal information that BCR holds about the Client by electronically mailing to compliance@bcrcorp.com.au. BCR will process the Client's request usually within 14 days. If the Client's request is complex, more time may be needed in which case BCR will advise the Client of the extra time required. There is no fee for requesting access to the Client's information, although BCR may charge the Client the reasonable cost of processing the Client's request. In some circumstances the law may allow BCR to deny the Client access. Access may also be denied if BCR has reason to suspect that unlawful activity or misconduct of a serious nature relating to BCR's functions and activities may be engaged in, and if giving access would be likely to prejudice any appropriate action. In such a case BCR will explain to the Client the reason for refusing access unless it would be unreasonable to do so, other regulatory matters, and the complaint mechanisms available.

BCR requires Clients to promptly notify BCR in writing of any changes to the personal information that BCR holds about the Client. This will ensure that the Client's personal information held by BCR is up to date and enable BCR to keep the Client informed of the continuing circumstances of the Client's account(s), the Client's Margin obligations and the Client's trading activities. The Client may ask BCR at any time to correct personal information held by BCR about the Client which the Client believes is inaccurate. Requests for correction of personal information or for information regarding BCR's privacy policy and practices should be sent to info@bcrcorp.com.au.

Should BCR disagree with the Client as to the accuracy of the information, the Client may request that BCR attach a statement to that information noting that the Client considers it inaccurate or incomplete. BCR will provide the client with written notice if it refuses to correct the personal information, which will set out the reason for refusal (unless this would be unreasonable), the mechanisms available to complain about the refusal, and any other relevant matters.

If BCR is satisfied that the information is inaccurate, out-of-date, incomplete or irrelevant or misleading, BCR will take all reasonable steps to correct the personal information to ensure that it is accurate, up-to-date, complete, relevant and not misleading.

Use and Disclosure

BCR has requested the information required in the application forms to enable BCR to determine whether it will deal with the Client using the BCR trading platform. That information, together with the information collected and maintained by BCR during the course of its relationship with the Client, is required to keep the Client updated whilst the Client is a client in relation to matters such as the Client's Margin obligations and the funds in the Client's account(s) and possibly other activities of BCR. BCR also requires the information to manage and administer the products and services provided to the Client. BCR may also be required to provide the Client's personal information to ASIC and other regulatory and government bodies from time to time in Australia and overseas. BCR may also disclose the Client's personal information to: (i) financial institutions and other similar organisations in connection with its corporate activities or that are nominated by the Client; (ii) the Australian Financial Complaints Authority (AFCA), courts, arbitrators and other dispute resolution bodies; (iii) external service providers and professional advisers (which may be located overseas) that provide services to BCR; (iv) any actual or potential delegate or assignee as referred to in the Terms and Conditions; (v) any other person or entity as required or authorised by law; (vi) any organisation which the Client request BCR to or any persons acting on the Client's behalf, including the Client's financial adviser, broker, solicitor or accountant and (vii) any person that BCR consider as appropriate or fit including a member of BCR Group and its employees under a duty of confidentiality. Such information may be transferred to a place outside Australia.

BCR would like to inform you that your personal information may be used for the following purposes:

- Sharing, cross-checking and transferring that personal data with any of BCR affiliated or associated companies whether in relation to new or existing client verification procedures, ongoing account administration or direct or indirect marketing of any investment, dealing or related services or products;
- The comparison and/or transfer to third party service providers of such personal data for the purposes of credit checking and or data verification;
- Any purpose relating to or in connection with the compliance of any law, regulation, court order or order of a regulatory authority, including the provision of any such data to any such regulatory authority as required by law or regulation;
- Any other purpose relating to or in connection with BCR's business or dealings or the business or dealing of any of its affiliated or associated companies.

BCR may also use the Client's personal information for: (i) marketing BCR products and services to the Client; (ii) developing an understanding of the products and services the Client may be interested in obtaining from BCR; (iii) any other purpose the Client has consented to; and (iv) any use which is required or authorised by law. BCR may aggregate data on an anonymous basis about its clients' trades and disclose such data to third parties.

BCR may not use or disclose the information apart from the purpose above except where:

- The use and disclosure is required or authorised by Australian Law or court/tribunal order;
- BCR reasonably believes that collection, use and disclosure is necessary to lessen or prevent a serious threat to the life, health or safety to an individual or the public, and it is unreasonable or impracticable to obtain the clients' consent to the collection;
- BCR reasonably believes that collection, use and disclosure is necessary in order for BCR to take appropriate action in relation to a reasonable suspicion of unlawful activity or misconduct of a serious nature that relates to BCR's functions, activities and internal investigations;
- BCR believes that the collection is reasonably necessary to assist to locate a person who has been reported as missing;
- Necessary for the establishment, exercise or defence of a legal or equitable claim;

- Necessary for the purposes of confidential alternative dispute resolution;
- Where you have consented to such disclosure

Your personal data held by BCR will be kept confidential but BCR may provide information to 1) any agent or third party service provider who provides services to BCR or any of BCR affiliated or associated companies in connection with the operation of its business, 2) Any Regulatory or Governmental authorities which relates to or govern any business of BCR or any of its affiliated or associated companies and, 3) Any person that BCR considers as appropriate or fit including a member of BCR or its affiliated or associated companies and its employees under a duty of confidentiality. Such information may be transferred to a place outside Australia. It is important that you are aware that Australian Privacy Law will not apply to that information when it is disclosed cross-border; however, BCR reasonably believes that the affiliated or related company would be subject to a law or binding scheme that protects the information in a similar way to the Australian law protects that information.

Sharing Information with our Affiliates

BCR may share personal information with our affiliates for business purpose, such as, but not limited to, servicing customer accounts and informing customers about new investment products and services, or to aid in the trading activity of BCR, its affiliates, or employees, and as permitted by applicable law. Our affiliates may include companies controlled or owned by BCR as well as companies that have an ownership interest in our company. Our affiliates maintain the privacy of your information to the similar extent BCR does in accordance with this Policy. If you do not wish to have your personal information disclosed to our affiliates or other third parties, please send your request via email to compliance@bccorp.com.au or info@bccorp.com.au.

Direct Marketing

BCR intends to use your personal information (other than sensitive information) for direct marketing investment products and services and BCR requires your consent for that purpose. By applying for and/or opening a live or demo BCR account, you acknowledge and agree that your consent is voluntarily provided to BCR. If you do not wish to use your data for use in direct marketing as described in this policy, you may exercise your right to opt-out by notifying BCR in writing.

In regards to sensitive information, BCR will obtain the consent of the client before using or disclosing sensitive information for the purposes of direct marketing.

Where a Client would not reasonably expect their personal information to be used for direct marketing, or the information has been collected from a third party, BCR may use or disclose this personal information for the purposes of direct marketing if the client has consented to the use or disclosure for this purpose (or if it is impracticable to seek this consent), and BCR has provided a means for opting out of direct marketing and the client has not chosen to opt out. BCR will include this opt out option/statement in each direct marketing communication.

BCR clients also have the right to contact BCR and request not to receive direct marketing communications, and for BCR not to disclose their personal information to other entities for the purposes of direct marketing, as well as request BCR to provide the source of the individuals personal information if is practicable or reasonable to do so.

Data Security

BCR takes all reasonable steps to protect the Client's personal information from misuse, loss, unauthorised access, interference, modification or disclosure. We use appropriate technical and organisational measures to protect the personal information that we collect and process about you. The measures we use are designed to provide a level of security appropriate to the risk of processing your personal information. In particular, we:

- hold personal information in secure facilities and where the information is held electronically, on secure servers.
- use encrypted transmission links whenever we can.
- use other safeguards such as firewalls, authentication systems (e.g., passwords), and access control mechanisms to control unauthorised access to systems and data.
- regularly review our information collection, storage and processing practices, including physical security measures, to guard against unauthorised access to systems.
- restrict access to personal information to our employees, contractors and agents who need to know that information in order to process it for us and who are subject to strict contractual
- confidentiality obligations. BCR may discipline or terminate individuals who maliciously acquire information, without being entitled to its access.

Once client information is no longer needed, BCR will take reasonable steps to destroy or de-identify the information as long as BCR is not required by Australian Law, or court/tribunal order to retain the information, or other overseas regulatory and government bodies and if it is not contained in a Commonwealth record.

We will take seriously and deal promptly with any accidental or unauthorised disclosure of personal information. We follow the relevant scheme for notifiable data breaches where applicable and when handling accidental or unauthorised disclosures of personal information).

EEA Residents

The following provisions are only applicable to EEA Residents:

Your Data Protection Rights

Subject to certain conditions, data protection law provides individuals with rights, including the right to: access, rectify, withdraw consent, erase, restrict, transport, and object to the processing of, their personal information. Individuals also have the right to lodge a complaint with the relevant information protection authority if they believe that their personal information is not being processed in accordance with the law. Further information about your rights is set out below:

- Right to obtain a copy of your personal information. You have the right to obtain a copy of the personal information we hold about you.
- Right to rectification. You may request that we rectify any inaccurate and/or complete any incomplete personal information. We will then correct our records, and notify any third parties to whom such personal information may have been transmitted as described above.
- Right to data portability. You may request a copy of all personal information you have provided to us after which we will transmit those data to another data controller of your choice.
- Right to opt-out of marketing communications. You can exercise this right by submitting your request via email at compliance@bccorp.com.au or info@bccorp.com.au.

- Right to withdraw consent. You may withdraw your consent to the processing of your personal information at any time. Such withdrawal will not affect the lawfulness of processing based on your previous consent. Please note that if you withdraw your consent, you may not be able to benefit from certain service features for which the processing of your personal information is essential.
- Right to object to processing. You may request that we stop processing your personal information. Please note you may not be able to benefit from certain service features for which the processing of your personal information is essential.
- Right to erasure. You may request that we erase your personal information and we will comply, unless there is a lawful reason for not doing so.
- Your right to lodge a complaint with the supervisory authority. We suggest that you contact us about any questions or if you have a complaint in relation to how we process your personal information. However, you do have the right to contact the relevant supervisory authority directly.

We respond to all requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws.

Automated Decision-Making

In some instances, our use of your personal information may result in automated decisions being taken (including profiling) that legally affect you or similarly significantly affect you.

Automated decisions mean that a decision concerning you is made automatically on the basis of a computer determination (using software algorithms), without our human review.

We make automated decisions at account opening, where we check that the offered products or services are appropriate for you based on the information you provide to us. For example, we may use information about your financial standing or socio-demographic information to assess whether you are appropriate and understand the risk involved when trading our products.

When we make an automated decision about you, you have the right to contest the decision, to express your point of view, and to require a human review of the decision.

Lawful Basis for Processing Personal Information

Our lawful basis for collecting and using the personal information described above will depend on the personal information concerned and the specific context in which we collect it.

However, we will normally collect personal information from you only where we have your consent to do so, where we need the personal information to perform a contract with you, or where the processing is in our legitimate interests and not overridden by your data protection interests or fundamental rights and freedoms. In some cases, we may also have a legal obligation to collect personal information from you or may otherwise need the personal information to protect vital interests.

If we ask you to provide personal information to comply with a legal requirement or to perform a contract with you, we will make this clear at the relevant time and advise you whether the provision of your personal information is mandatory or not (as well as of the possible consequences if you do not provide your personal information).

Similarly, if we collect and use your personal information in reliance on our legitimate interests (or those of any third party), we will make clear to you at the relevant time what those legitimate interests are.

If you have questions about or need further information concerning the lawful basis on which we collect and use your personal information, please contact us.

People's Republic of China (PRC) Residents

The following provisions are applicable to PRC Residents:

Your Data Protection Rights

Subject to certain conditions, data protection law provides individuals with rights, including the right to: access, rectify, withdraw consent, erase, restrict, transport, and object to the processing of, their personal information. Further information about your rights is set out below:

- Right to obtain a copy of your personal information. You have the right to obtain a copy of the personal information we hold about you.
- Right to rectification. You may request that we rectify any inaccurate and/or complete any incomplete personal information. We will then correct our records, and notify any third parties to whom such personal information may have been transmitted as described above.
- Right to data portability. You may request a copy of all personal information you have provided to us after which we will transmit those data to another data controller of your choice.
- Right to opt-out of marketing communications. You can exercise this right by submitting your request via email at compliance@bccorp.com.au or info@bccorp.com.au.
- Right to withdraw consent. You may withdraw your consent to the processing of your personal information at any time. Such withdrawal will not affect the lawfulness of processing based on your previous consent. Please note that if you withdraw your consent, you may not be able to benefit from certain service features for which the processing of your personal information is essential.
- Right to object to processing. You may request that we stop processing your personal information. Please note you may not be able to benefit from certain service features for which the processing of your personal information is essential.
- Right to erasure. You may request that we erase your personal information and we will comply, unless there is a lawful reason for not doing so.

How to Contact Us

Questions, comments, complaints, and requests regarding your data or this privacy policy are welcomed and should be addressed to us via email at compliance@bccorp.com.au or info@bccorp.com.au.