



**scottish pacific**  
BUSINESS FINANCE



# Privacy Policy

Effective April 2020

**smart money for smart business**

## OUR COMMITMENT TO YOU

In handling your personal and financial information, Scottish Pacific Business Finance Pty Ltd (ABN 79 008 636 388) and its related bodies corporate ('ScotPac', 'us', 'we', 'our') are committed to complying with the Privacy Act 1988 as amended, including by the Privacy Amendment (Enhancing Privacy Protection) Act 2012 and the Privacy Amendment (Notifiable Data Breaches) Act 2017 ('Privacy Act'), the Australian Privacy Principles and the Spam Act 2003 which sets out Australia's spam rules.

We are also bound by Division 3 of Part IIIA of the Privacy Act, and the Privacy (Credit Reporting) Code, which regulate the handling of credit information, credit eligibility information and related information by credit providers.

ScotPac recognises the importance of your privacy and takes appropriate measures to protect all personal and financial information about you that we may collect and hold.

Over the course of our relationship with you, we may collect and hold additional personal information about you, including account or transactional information, opinions, complaints or enquiries about our products or services.

This privacy policy sets out how we manage and handle your personal information (including credit-related information), as well as our legal obligations.

From time to time we will need to update our privacy policy. Please visit our website [www.scottishpacific.com](http://www.scottishpacific.com) regularly as we will let you know of any changes to this policy by posting a notification to ensure that you can always find the most up to date version.

## COLLECTING, USING AND DISCLOSING PERSONAL INFORMATION

### PERSONAL INFORMATION

"Personal information", as defined under the Privacy Act 1988, 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 try to make sure that all information we hold is accurate, "personal information" may include inaccurate information about an individual.

When you apply for one of our products or services, ScotPac may request personal information about you. We also collect personal information from

guarantors, debtors, associates, prospective employees, contractors, suppliers, brokers, introducers, merchants, agents, professional advisers, mercantile agents, mailing houses, call centre operators, archivers and service providers.

ScotPac will only collect certain information about you as it pertains to that product or service. Wherever possible, the information we collect (including credit information) is provided by you directly.

There are many ways we seek information from you. We might collect your information when you complete an application, fill out a form with us, when you've given us a call or use our website.

We may also collect or confirm this information from a third party such as a credit reporting body. We will use reasonable efforts to obtain your consent prior to contacting a third party for this purpose.

In some circumstances, however, we may collect information about you from third parties such as joint facility owners, referees nominated by you, your agents, representatives and other persons authorised by you such as lawyers or accountants, and other credit providers and credit reporting bodies.

We may also collect, use and disclose your personal information to meet our legal obligations, assisting government and enforcement bodies or regulators, or where otherwise required or authorised by law, or an order of a court or tribunal. These laws include:

- Anti-Money Laundering and Counter-Terrorism Financing Act 2006, which requires us to collect personal information about you when verifying your identity;
- Personal Property Securities Act 2009, under which we may need to collect personal information about you to record a security interest on the Personal Property Securities Register; and
- Company and Tax Laws such as the Corporations Act 2001, the Tax Administration Act 1953, the Income Tax Assessment Act 1997, and the Australian Securities and Investment Commission Act 2001 as those laws are amended and includes any associated regulations.

### SENSITIVE INFORMATION

Where it is necessary to do so we may need to collect sensitive information about you.

"Sensitive information" is defined as information about a person's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, sexual preferences or practices, philosophical beliefs, membership of a professional or trade association or trade union, criminal record,

health information, genetic or biometric information.

Unless required by law, we will only collect and hold sensitive information with your consent.

## INFORMATION WE COLLECT AND HOLD

We collect and hold credit information about individuals who are clients, guarantors, debtors and associates. ScotPac may collect and hold personal information such as:

- identifying information to enable us to verify your identity, such as your name, title, date of birth, current and previous addresses, postal or email address and/or telephone numbers;
- government issued identifiers which may include a Tax File Number, Passport number, Medicare number or Driver's License number;
- account and/or credit card details;
- the note we make of the disclosure of credit information we make to a credit reporting body so we can obtain credit information;
- when you visit our website, we may collect information about your location or activity (including IP address and top-level domain name, type of browser you are using and whether you have accessed third party sites), in relation to your visit;
- other contact information such as social media handles and cookies left by your browser;
- an opinion, comment, compliment or complaint about our products or services;
- the purpose for you applying for a product or service; and
- credit information such as credit history, the type of credit sought, credit capacity and eligibility for credit.

The personal information (other than credit information and credit reporting information) we collect and hold varies depending on the person we are dealing with and the reason why we are dealing with them.

We collect this general personal information from individuals who are clients, guarantors, debtors, associates, prospective employees, contractors, suppliers, brokers, introducers, merchants, agents, professional advisers, mercantile agents, mailing houses, call centre operators, archivers and service providers. This information will generally include the individual's name and contact details.

### CREDIT INFORMATION AND CREDIT ELIGIBILITY INFORMATION

When you apply for a credit related product, in addition to the above, we may collect, hold, use and where appropriate, disclose 'credit information'

as defined in Section 6N of the Privacy Act for the purposes of assessing your eligibility for credit.

This may also include information from credit reporting bodies about guarantors, debtors and associates. We only obtain information to the extent we are entitled to under the Privacy Act 1988.

The type of credit information we may collect, hold, use and where appropriate disclose, includes:

- if the individual is a client, information to determine if we should provide a facility which includes the provision of commercial credit to the individual, their application for credit with us and the amount, that we are a current credit provider to that individual, to deal with or enforce our rights under the guarantee and any security which may be given to secure it;
- if the individual is a guarantor, information to determine whether we should accept a guarantee from the individual and if the guarantee is given, to deal with or enforce our rights under the guarantee and any security which may be given to secure it;
- if the individual is a debtor, information required to assess and verify the debt which the client sells to us or in which the client gives us a security interest, to collect the debt and to enforce the debt and any security which may be given to secure payment of the debt;
- if the individual is an associate of the client, information to determine if we should provide a facility which includes the provision of commercial credit to the client and to assist in the provision of that facility;
- if the individual is an associate of the debtor, information to assist us to verify the debt owed by the debtor and to collect and enforce the debt;
- to assist in the management and enforcement of the facilities we provide, data analysis of your account and collection of any outstanding payments;
- the names of any credit providers that have provided you with credit and the type and limit of that credit;
- the day on which credit was made available to you and (if relevant) discharged;
- advice that payments previously notified as unpaid are no longer overdue;
- information about your repayment history (e.g. whether you made repayments on time, missed a payment or that you defaulted on a credit payment) including payments overdue and for which collection action has started;

- any court judgments made against you that relate to credit provided to you, or applied for by you;
- certain information about you on the National Personal Insolvency Index, including bankruptcy and debt agreements;
- commercial credit reports containing information about you from a credit reporting body;
- uses which are required or authorised by law, and otherwise in accordance with the consents and authorities you give in your credit application;
- other information about credit standing, worthiness, history or capacity that credit providers can disclose under the Privacy Act; and
- any personal information about you from any referees (where applicable) that you may provide.

We may also hold credit eligibility information (for example credit scores, risk ratings and other evaluations) that we derive from the information obtained from a credit reporting body. The information we receive from a credit reporting body or information we derive from such information is known as 'credit eligibility information'.

## **CREDIT INFORMATION DISCLOSURE**

When assessing your eligibility for credit and at other times, we collect and may disclose information about you to a credit reporting body if you are applying for credit, you have obtained credit from us, if you guarantee or are considering guaranteeing the obligations of another person to us or you are a director of a company that is a client or guarantor.

The information we might collect about you and disclose to one or more credit reporting bodies may include:

- Identification information;
- Personal information relating to commercial credit;
- Default information;
- Publicly available information;
- Personal insolvency information;
- Serious credit infringements;
- Court proceedings information (other than criminal proceedings) that relate to any credit that has been provided to, or applied for by, the individual;
- Payment information; and
- New arrangement information.

When we give your information to a credit reporting body, it may be included in reports that the credit reporting body gives other organisations (such as other lenders) to help them assess your credit eligibility.

Some of that information may reflect adversely on your credit eligibility, for example, if you fail to make payments or if you commit a serious credit infringement (like obtaining credit by deception). That sort of information may affect your ability to obtain credit from other financial service providers.

The contact details of the credit reporting bodies, we use are outlined below. Each credit reporting body has a credit reporting policy about how they handle your information. You can obtain copies of these policies on their websites.

### **Equifax Pty Ltd**

Website: [www.equifax.com.au](http://www.equifax.com.au)

Mail: Equifax  
PO Box 964  
NORTH SYDNEY NSW 2059

### **Creditor Watch**

Website: [www.creditorwatch.com.au](http://www.creditorwatch.com.au)

Mail: Creditor Watch,  
GPO Box 276,  
SYDNEY, NSW, 2001.

We will only disclose your credit information as permitted by the Privacy Act. Your credit report information will only be disclosed to authorised representatives of ScotPac and other third parties with your prior consent.

## **INFORMATION ABOUT CREDIT REPORTING BODIES**

Credit reporting bodies collect credit information about individuals which they provide as credit reports to credit providers and others in the credit industry to assist them in managing credit risk, collecting debts and other activities.

"Credit pre-screening" is a service for credit providers wishing to send direct marketing material about credit services. A credit reporting body uses information it holds to screen out individuals who do not meet criteria set by the credit provider.

Credit reporting bodies are required to maintain a confidential list of individuals who have opted out of their information being used in pre-screening. To opt out of credit pre-screening, contact the credit reporting body, using the contact details on their website.

You can ask a credit reporting body not to use or disclose your personal information if you believe on reasonable grounds that you have been or are likely to be a victim of fraud, including identity fraud.

## WHY DO WE COLLECT INFORMATION?

We collect personal information directly from you before, during or after the provision of products and services to you and when you inform us of any change to the information, we hold about you.

When providing credit to you, this may include assessing your application for commercial credit or to be a guarantor for the applicant, assessing your credit worthiness, managing your facility or the arrangements under which your facility is funded or collecting overdue payments.

If you do not provide the requested personal information, ScotPac may not be able to consider your application for credit or provide other services.

We also collect your personal information from others including:

- when you transact on your account/s and/or visit our website;
- credit reporting bodies, brokers, introducers public registers and as required by relevant laws or with your specific consent in managing our business; and
- organisations with who we have an alliance or agreement for the purpose of promoting our respective products or services and agents used by us and our business partners in administering such an alliance or agreement.

We use your personal information when:

- considering your requests for products, services and other benefits;
- providing you with products, services and other benefits or special offers;
- executing your instructions;
- providing you with information about other products and services that may be of interest to you;
- assisting other organisations with whom we have an alliance or arrangement with their processes and systems
- to provide products and services to you;
- conducting research and development for our products, and services;
- collecting overdue payments due under our credit products;
- managing our rights and obligations regarding external payment systems;
- direct marketing;
- managing your facilities, including handling your concerns or complaints or any legal action;

- to identify, prevent or investigate any fraud, unlawful activity or misconduct or suspected fraud, unlawful activity or misconduct;
- maintaining and developing our business systems and infrastructure; and
- as required by relevant laws, regulations or codes of practice.

If you start an online application form but do not submit it or you submit an application (whether electronically or otherwise) but do not proceed with the application, we may use your information to contact you regarding your application.

## WHO CAN WE DISCLOSE YOUR INFORMATION TO?

The Privacy Act allows ScotPac to disclose personal information about you when related to the primary purpose for which it was collected.

In general, we do not use or disclose your personal information (including credit-related information) for a purpose other than:

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

For the purpose of providing products and services to you and managing our business, we may give information to:

- external service providers to us, such as organisations which we use to verify your identity, payment systems operators, printing and mailing houses, administrative and operational services and research consultants;
- external organisations that are our assignees, agents or contractors;
- professional advisers, such as accountants, lawyers, advisory firms and auditors;
- credit reporting bodies, including disclosing that you are in default under a credit agreement or have committed a serious credit infringement, if that is the case;
- organisations involved in debt collecting;
- fraud reporting agencies (including organisations that assist with fraud, investigations and organisations established to identify, investigate and/or prevent any fraud, crime or misconduct of a serious nature);
- information technology service providers including those who assist or support us with the maintenance, review and development of our business systems, data storage, processing and software development;

- other financial institutions, including other credit providers and their professional advisors or a credit reporting body (for example, exchanging credit information about you with other credit providers, and exchanging credit information about you with any credit reporting body and any other providers of credit to you named in your credit application or a credit report from a credit reporting body);
- organisations with whom we have an alliance, loyalty program or other agreement for the purpose of promoting our respective products or services and agents used by us and our business partners in administering such an alliance or agreement;
- your representative, for example, lawyer, insurer, other financial institution, financial adviser or agent, your executor, administrator, trustee, guardian or power of attorney, your employer, referees and other person authorised by you or to the extent deemed necessary by ScotPac in order to deliver any instruction you give us;
- any introducer, dealer or broker referred to in an application;
- other lenders;
- insurers;
- any agent or contractor of ours assisting in processing an application;
- other entities involved that may be involved in a securitisation arrangement which we use to fund your facility, including without limitation other credit providers;
- law enforcement bodies and courts; and
- government and regulatory authorities, such as the Australian Transaction Reports and Analysis Centre (AUSTRAC) and Australian Securities and Investments Commission, if required or authorised by or under Australian law.

We will take reasonable steps to ensure that these organisations are bound by sufficient confidentiality and privacy obligations with respect to the protection of your personal information.

## DISCLOSURE TO GUARANTORS

In connection with providing credit to you, ScotPac may give a guarantor, or a person who is considering becoming a guarantor, credit eligibility information about you for the purpose of enabling the guarantor to decide whether to act as guarantor or to keep informed about the guarantee.

## ELECTRONIC VERIFICATION

Under the Anti-Money Laundering and Counter-Terrorism Financing Act, we can disclose your name, residential address and date of birth to an electronic verification service or credit reporting body.

The purpose of this disclosure is to ask them to assess whether the personal information disclosed matches (in whole or part) personal information about you held in their records (if any). This electronic verification process helps us to verify your identity.

If we are unable to or you do not consent to us verifying your identity by electronic verification, we will provide you with an alternate verification process to identify you.

Please visit our website at [www.scottishpacific.com](http://www.scottishpacific.com) or contact us on 1300 145 344 for further information.

## OVERSEAS DISCLOSURES

We may disclose your personal information to a recipient located outside Australia. This may include the following:

- ScotPac Group companies located in China, Hong Kong, Singapore and New Zealand;
- our contracted service providers operating overseas, which are likely to be located in New Zealand, US, Germany and the UK;
- for international transactions, such as currency exchanges, we may need to disclose your information to the corresponding international party in order to process the transaction.

The countries we may disclose your information to will depend on the details of the transaction you ask us to carry out. When we do disclose and/or store personal information overseas, we protect that information using the security measures set out below and require overseas recipients to do the same.

As a trusted service provider, we ensure that our data protection and information security controls applying to your personal information in Australia continue to apply in the hand of our affiliates or contracted service providers located overseas.

Where we may disclose your information outside Australia, we will do so on the basis that the information will be used only for the purposes set out in this Privacy Policy.

## INFORMATION ABOUT THIRD PARTIES

Clients may from time to time be required to collect, store, use and disclose information concerning customers and other entities as required by law.

Clients must ensure that each individual who becomes a transaction party or is or becomes a director or shareholder of a transaction party which is a corporation is aware of ScotPac's privacy policy and agrees to the collection, use and disclosure of their personal information in accordance with this Privacy Policy. Clients must also ensure that they have obtained any necessary approvals so that the

client can provide information to ScotPac as required.

Clients must ensure that individuals who they collect information from are aware of who we are, how to contact us, and that we will use and disclose their personal information in accordance with this Privacy Policy which they can gain access to by visiting our website [www.scottishpacific.com](http://www.scottishpacific.com) or contacting us.

## MANAGING YOUR PERSONAL INFORMATION

We take all reasonable steps to ensure that all your personal information (including credit information and credit eligibility information), held on our systems, website or otherwise, is protected from:

- misuse, interference and loss; and
- unauthorised access, disclosure or modification.

We do this in a number of ways, such as:

- implementing access control for our buildings;
- training our employees about our privacy obligations;
- allowing access to information only where an individual has the authority to access it; and
- taking reasonable steps to destroy or de-identify personal information when we no longer require the information, or we are no longer required by the law to retain that information.

Information can be stored physically or electronically with third party data storage providers. Where we do this, we use contractual arrangements to ensure those providers take appropriate measures to protect that information.

We require you to keep your passwords, personal identification numbers and devices safe, in accordance with our suggestions.

## OUR WEBSITE

This section explains how we handle personal information and credit information collected from our website. If you have any questions or concerns about transmitting your personal information via the internet, you may contact our Privacy Officer - whose details are below - as there are other ways for you to provide us with your personal information.

### VISITING OUR WEBSITE

Anytime you access an unsecured part of our website, that is, a public page that does not require you to log on, we may collect information about your visit, such as:

- the time and date of the visit;
- any information or documentation that you download;
- your browser type; and
- internet protocol details of the device used to access the site.

### COOKIES

When you visit the secured pages of our website (i.e. pages that you have to provide login details to access) we use cookies for security and personalisation purposes.

A "cookie" is a small text file which is placed on your internet browser and which we may access each time you visit our website. The cookie helps us to maintain the continuity of your browsing session and remember your details and preferences when you return.

When you visit the unsecured pages of our website (i.e. public pages that you can access without providing login details) we use cookies to obtain information about how our website is being used.

You may change the settings on your browser to reject cookies, however doing so might prevent you from accessing the secured pages of our website.

### LINKS ON OUR WEBSITE

Our website may contain links to third party websites. The terms of this Privacy Policy do not apply to external websites. If you wish to find out how any third parties handle your personal information or credit information, you will need to obtain a copy of their privacy policy.

### SECURITY

We use up-to-date security measures on our website to protect your personal information and your credit information. Any data containing personal, credit or related information which we transmit via the internet is encrypted.

However, we cannot guarantee that any information transmitted via the internet by us, or yourself, is entirely secure. You use our website at your own risk and with the understanding that you have implemented the appropriate security measures.

### EMAIL

When we receive emails, we will retain the content of the email and our response to you where we consider it necessary to do so.

Your email address will only be used or disclosed for the purpose for which it was provided. It will not be added to any mailing lists or used for any other purpose without your consent.

## ACCESS TO INFORMATION

You may request access to the personal information (including credit-related information) that we hold about you at any time from our Privacy Officer whose details are below.

We will respond to your request for access within a reasonable time. If we refuse to give you access to any of your personal information, we will provide you with reasons for the refusal and the relevant provisions of the Privacy Act that we rely on to refuse access. You can contact our Privacy Officer if you would like to challenge our decision to refuse access.

We may recover the reasonable costs of our response to a request for access to personal information.

## ACCURACY

We take reasonable steps to make sure that the personal information (including credit information and credit eligibility information) that we collect, use or disclose is accurate, complete and up-to date.

However, if you believe your information is incorrect, incomplete or not current, you can request that we update this information by calling your client relationship manager, emailing us at [privacy@scottishpacific.com](mailto:privacy@scottishpacific.com) or by visiting your local ScotPac office.

## MARKETING OUR PRODUCTS OR SERVICES

We may use or disclose your personal information, including your contact details, to let you know about our products and services, including those of third parties, which we believe may be of interest to you.

Such marketing activities may be via email, telephone, SMS, Instant messaging, mail, or any other electronic means, including targeted advertising through the ScotPac website or other websites.

We may also market our products to you through third party channels (such as social networking sites), or via other companies who assist us to market our products and services.

We may use de-identified data to disclose to online advertisers that allow us to place communications in the media most relevant to you.

With your consent, we may disclose your personal information to third parties such as brokers or agents, or for the purpose of connecting you with other businesses or customers. You can ask us not to do this at any time.

To assist us in reaching the right people, we may elect to use credit direct marketing for a campaign and in doing so we may ask a credit reporting body

to “pre-screen” (as described in further detail on page 3 above) a list of potential recipients of our direct marketing against our eligibility criteria to remove recipients that do not meet those criteria.

## ELECTING TO OPT OUT

You may opt out at any time if you no longer wish to receive direct marketing offers. We will process your request as soon as practicable.

You can make this request by calling us, emailing us at [privacy@scottishpacific.com](mailto:privacy@scottishpacific.com) or visiting your nearest ScotPac office.

## NOTIFIABLE DATA BREACHES

Since February 2018, the Privacy Act includes a Notifiable Data Breaches (NDB) scheme which requires us to notify you and the Office of the Australian Information Commissioner (OAIC) of certain data breaches and recommend steps you can take to limit the impacts of a breach (for example, a password change).

The NDB scheme requires us to notify about a data breach that is likely to result in serious harm to affected individuals.

There are exceptions where notification is not required. For example, where we have already taken appropriate remedial action that removes the risk of serious harm to any individuals.

If we believe there has been a data breach that impacts your personal information and creates a likely risk of serious harm, we will notify you and the OAIC as soon as practicable and keep in close contact with you about the nature of the breach, the steps we are taking and what you can do to reduce the impacts to your privacy.

Where you believe that any personal information, we hold about you has been impacted by a data breach, you can contact the Privacy Officer using the contact details below

## QUESTIONS AND COMPLAINTS

If you have any questions, concerns or complaints about this Privacy Policy, or our handling of your personal information (including credit information or credit eligibility information), please contact us.

You can contact us by:

- submitting an online Feedback/Complaints form at [www.scottishpacific.com](http://www.scottishpacific.com)
- calling us on 1300 145 344 or
- by visiting one of our offices.

If you contacted us by phone or in person and feel your issue still hasn't been resolved, the next step is to contact our dedicated Privacy Officer at:

**The Privacy Officer**

Scottish Pacific Business Finance  
GPO Box 9969,  
Melbourne VIC 3001

Telephone: (+61) 3 9820 1222  
Email: [privacy@scottishpacifc.com](mailto:privacy@scottishpacifc.com)

You may also contact the Privacy Officer if you believe that the privacy of your personal information has been compromised or is not adequately protected.

We will investigate further and respond to you.

If you still feel your issue has not been resolved, you can contact the Office of the Australian Information Commissioner (OAIC) who deals with privacy complaints.

Please note the OAIC requires that any complaint be first made to the respondent organisation. The law also allows 30 days for the respondent organisation to deal with the complaint before a person may make a complaint to the OAIC.

The Commissioner can be contacted at:

**Office of the Australian Information Commissioner**

Post: GPO Box 5218  
Sydney NSW 2001

Telephone: 1300 363 992  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Website: [www.oaic.gov.au](http://www.oaic.gov.au)