



Privacy Policy

Version 2.1

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Introduction

1.1. Definitions

The following terms have the following meanings:

“**APP Entity**” means an agency or organisation.

“**Australian Privacy Policy**” means Australian Privacy Principle 1.3: An APP entity must have a clearly expressed and up-to-date policy (the APP privacy policy) about their management of personal information.

“**Australian Privacy Principles**” means section 14 of the Australian Privacy Principles set out in the clauses of Schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

“**Identifier**” means a number, letter or symbol, or a combination of any or all of those things, that is used to identify the individual or to verify the identity of the individual, but does not include (a) the individual’s name; or (b) the individual’s ABN; or (c) anything else prescribed by the regulations.

“**Investment Administrator**” means any Investment Administrator appointed under an Investment Administration Agreement to provide services to a Fund.

“**Personal Information**” means information or an opinion about an identified individual, or an individual who is reasonably identifiable (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not.

“**Privacy Act**” means the Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

“**Privacy Officer**” means the following person:

Name: Layla Derwash

Phone: 02 7200 2000

Email: corporate@spitfire.io

“**Sensitive Information**” means 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; membership of a trade union; sexual preferences or practices; or criminal record. It also includes health information and genetic information about an individual that is not otherwise health information, or biometric information that is to be used for the purpose of automated biometric verification or biometric identification, or biometric templates.

1.2. Introduction

The Privacy Amendment (Enhancing Privacy Protection) Act 2012, the Privacy Act 1988, the Australian Privacy Principles (APPs) and related rules require that Spitfire Asset Management Pty Ltd (**Spitfire**), as an APP entity, establish and maintain an APP Privacy Policy.

Spitfire is committed to respecting the privacy of personal information of our investors. This document is the APP Privacy Policy adopted by the Board, as required by APP 1.3, and sets out Spitfire’s personal information management practices. The aim of this APP Privacy Policy is to promote the protection of the privacy of individuals and to promote responsible and transparent handling of personal information held.

The Privacy Act exempts employment records used for employment purposes and therefore these policies do not apply to current or past employees of Spitfire. This employee records exemption does not apply to unsuccessful job applicants, therefore they may be able to request for access to their personal information held by Spitfire.

Australian Privacy Principals Privacy Policy

2.1. Part 1 – Consideration of personal information privacy

2.1.1. APP 1 - Open and transparent management of personal information

Spitfire will ensure that it manages personal information in an open and transparent way and will ensure that it complies with the Australian Privacy Principles.

This APP Privacy Policy details Spitfire's management of personal information and contains details on:

- the type of personal information we collect and hold;
- how we collect and hold personal information;
- the purposes for which we collect, hold, use and disclose personal information;
- how an individual may access personal information about the individual that we hold and how to seek the correction of such information;
- how an individual may complain about a breach of the Australian Privacy Principles and how we will deal with such a complaint;
- whether we are likely to disclose personal information to overseas recipients;
- if so, the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy.

When required to by law, Spitfire will make its APP Privacy Policy available free of charge and in an appropriate form.

2.1.2. APP 2 - Anonymity and pseudonymity

Given the nature of the services provided by Spitfire and our obligations under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 it is impracticable for our Clients to remain unidentified or use pseudonyms as detailed in APP 2.1.

General enquiries about products and services can be handled anonymously if requested, however failure to provide the personal information required by the investor application process may mean that we cannot provide the services requested or we may be forced to withdraw our services.

2.2. Part 2 – Collection of personal information

2.2.1. APP 3 - Collection of solicited personal information

Spitfire will only collect personal information (other than sensitive information) that is reasonably necessary and will only collect such information by lawful and fair means within the requirements of the legislation.

Spitfire will not collect sensitive information about an individual unless the individual consents to the collection of the information and the information is reasonably necessary.

2.2.2. APP 4 – Dealing with unsolicited personal information

If Spitfire receives personal information from a Client or prospective Client, and we did not solicit such information, we must determine, within a reasonable time, whether we could have collected the information under APP 3 if we had solicited the information.

If we determine that we could have collected the information as it is reasonably related to the services or prospective services we may provide to the Client or prospective client, we will retain the information as if it was collected in accordance of APP 3.

If we determine that we could not have collected the personal information, and the information is not contained in a Commonwealth record, we must destroy such information as soon as practicable but only if it is lawful and reasonable to do so.

2.2.3. APP 5 – Notification of the collection of personal information

Spitfire will notify an individual of the following:

- the identity and contact details of Spitfire;
- the fact that Spitfire has collected the information and the circumstances of collection;
- if the collection of the personal information is required or authorised by law;
- the purposes for which Spitfire collects the personal information;
- the main consequences for the individual if the personal information is not collected;
- any other entity to which Spitfire usually discloses personal information collected;
- that the APP privacy policy of Spitfire contains information about how the individual may access their personal information and seek the correction of such information;
- that the APP privacy policy of Spitfire contains information about how the individual may complain about a breach of the Australian Privacy Principles and how they will deal with such a complaint;
- whether Spitfire is likely to disclose the personal information to overseas recipients;
- if Spitfire is likely to disclose the personal information to overseas recipients, the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

2.3. Part 3 – Dealing with personal information

2.3.1. APP 6 – Use or disclosure of personal information

Spitfire will only use personal information about an individual for the purpose for which it was collected and will not use or disclose the information for another purpose without the individuals consent or unless required by law. In most circumstances your personal information will be used to:

- provide you with financial services;
- establish and manage investments and accounts;
- implement investment instructions, process distributions and withdrawal applications;
- report the investment performance of accounts;
- keep the individual up to date on other products or services offered by Spitfire;
- monitor and improve the services provided by Spitfire;
- process an application for employment with Spitfire;
- comply with regulatory or legal requirements.

Spitfire may collect personal information about an investor from their application form to establish and support the ongoing administration of their investment in the Funds managed by Spitfire. For legal and practical reasons, Spitfire may not be able to process an application or administer an investment without certain prescribed information.

Spitfire may disclose an investor's personal information to external parties who provide services to Spitfire including (but not limited to):

- organisations that assist us with fund registry, archival, research, mail and delivery, auditing, recruitment, payroll, superannuation, insurance, management consulting, financial and legal advisory, banking, security and technology services in their capacity as service providers to Spitfire;
- where relevant, to prospective employers and recruitment agencies who request verbal or written references in relation to current or former personnel;

- in relation to an investor, the custodian, investment advisers, brokers and asset consultants;
- other third parties where required or authorised by law, which may include emergency situations and assisting government agencies.

Otherwise, Spitfire will not disclose your personal information to any other external party unless required by law.

2.3.2. APP 7 – Direct Marketing

Spitfire will not use or disclose personal information for the purpose of direct marketing without the prior consent of the individual. Spitfire may use or disclose personal information for the purpose of direct marketing if:

- Spitfire collected the information from the individual; and
- the individual would reasonably expect Spitfire to use or disclose the information for that purpose; and
- Spitfire provides a simple means by which the individual may easily request not to receive direct marketing communications from Spitfire; and
- the individual has not made such a request to Spitfire.

2.3.3. APP 8 – Cross-border disclosure of personal information

Spitfire will not disclose personal information about an individual to an overseas recipient unless required by law.

2.3.4. APP 9 – Adoption, use or disclosure of government related identifiers

Spitfire will not use or disclose an identifier that has been assigned to an individual by a Commonwealth Government Agency such as a Tax File Number or Medicare Number unless required by law.

2.4. Part 4 – Integrity of personal information

2.4.1. APP 10 – Quality of personal information

Spitfire will take all reasonable steps to ensure that the personal information that it collects is accurate, up to date and complete.

2.4.2. APP 11 – Security of personal information

Irrespective of whether personal information is stored electronically or in hard copy form, Spitfire will take all reasonable steps to protect the information from misuse, interference and loss; and from unauthorised access, modification or disclosure. Some of the ways we do this include:

- using secure IT systems and firewalls;
- having a clean desk policy;
- document storage security procedures;
- appropriate training for our employees;
- taking all reasonable steps to ensure information provided on our website is protected;
- taking all reasonable steps to de-identify and destroy personal information that is no longer required for the purpose it was originally obtained.

2.5. Part 5 – Access to and correction of personal information

2.5.1. APP 12 – Access to personal information

Spitfire will provide individuals with access to the information held on them upon receipt of reasonable request and within the requirements of the law. To make a request to access any personal information we hold, a request in writing may be made to our Privacy Officer.

Spitfire will respond to a request for access to the personal information in writing within 30 days of the request being made and give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so.

In certain circumstances, we may not be required by law to provide you with access to your personal information. Circumstances where giving access would pose serious threat to life, health or safety of any individual or public, where the request is frivolous or vexatious, where giving access would be unlawful or where denying access is required by law (refer to APP 12.2 and 12.3 for a complete list). If access is denied, then we will give you written reasons for that decision and details available to complain about the refusal.

An access fee may be charged where permitted by law.

2.5.2. APP 13 – Correction of personal information

Spitfire will take all steps reasonable to ensure that information held is accurate, up to date, complete, relevant and not misleading.

To make a request to correct any personal information we hold a request in writing may be made to our Privacy Officer.

Spitfire will respond to a request to correct personal information in writing within 30 days of the request being made. If we refuse to correct the personal information as requested we will give a written notice that sets out the reasons for the refusal (except to the extent that it would be unreasonable to do so) and the mechanisms available to complain about the refusal.

Website Users

If you visit our website, our system may record information such as the date and time of your visit, the pages accessed and any information downloaded. We use this information for statistical, reporting and maintenance purposes only.

Our website may use “cookies”. A cookie is an electronic way to trace your access to our website and use of information contained in the website. By using our website, you are consenting to the use of cookies by Spitfire. Browsers such as Internet Explorer allow cookies, but users can easily erase cookies from their hard-drive or block all cookies. Please note that some parts of the website may not function fully for users that disallow cookies.

Spitfire takes great care to protect personal information on our website, unfortunately no data transmission over the Internet can be guaranteed secure. Accordingly, we cannot ensure or warrant the security of any information you send to us or receive from us online.

The website may contain links to other sites. Spitfire is not responsible for the privacy practices or policies of those sites.

Further information

For any questions or concerns about this APP Privacy Policy, please contact our Privacy Officer whose details are in section 1.1.

For information about privacy generally, or if your concerns are not resolved to your satisfaction, you can contact the Office of the Australian Information Commissioner (OAIC) on 1300 363 992 or via www.oaic.gov.au.