

# Privacy Policy

February 2022

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# 1 Scope

## 1.1 About this policy

The privacy and security of your personal information is important to us, and this privacy policy explains how we handle it. This policy covers the Australian Financial Complaints Authority Limited ABN 38 620 494 340 and its related bodies. Our Code Compliance area has separate privacy policies covering the Industry Code related information that it collects.

In this policy, “we”, “us” and “our” means the Australian Financial Complaints Authority (AFCA), its related entities and its staff.

Sometimes we update our privacy policy. You can always find the most up-to-date version on our website. Any changes or amendments will apply to all the information we hold at the time of the update.

## 1.2 About us

Our role is to independently assist consumers and small businesses resolve complaints that they have with financial firms that are AFCA members.

We are not a government department or agency. This means we are not subject to Freedom of Information (FOI) requests.

We are, however, bound by the Privacy Act 1988 (Cth) (including the Australian Privacy Principles and the Mandatory Data Breach Notification scheme), which sets out the principles for the appropriate handling of personal information that we collect, use, disclose and store.

We are committed to handling all personal information carefully, responsibly, securely, and ensuring that we manage personal information in an open and transparent way.

## Predecessor schemes

As the successor to the Financial Ombudsman Service Limited and the Credit and Investments Ombudsman Limited, AFCA also holds information collected by those organisations. AFCA also holds information on a small number of complaint files transferred from the Superannuation Complaints Tribunal (SCT).

## 1.3 What is personal information?

“Personal information” is information or an opinion about an identified individual or reasonably identifiable individual, whether true or not or whether recorded in material

form or not. Please refer to [Section 4](#) of this policy for details of the personal information we collect.

### Sensitive information

“Sensitive information” is a sub-category of personal information which includes information about an individual’s racial or ethnic origin, political opinions, membership of political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or trade union, sexual preferences or practices, criminal record, health information, genetic or certain biometric information.

Sometimes we may need to collect sensitive information about you to handle a complaint. For example, we may collect and store information about a person’s health for a complaint about life insurance or financial hardship.

Where we are provided with sensitive information, consent to the collection, storage and use will be assumed.

## 2 Use of your personal information

We collect, hold, use and disclose your personal information to carry out our functions or associated activities as an external dispute resolution (EDR) scheme. Our [Rules and Operational Guidelines](#) set out how we deal with complaints as part of the EDR scheme and the confidentiality requirements.

For example, we will use your personal information to:

- Fulfil one or more of our objectives as set out in our [Constitution](#);
- Resolve complaints under our [Rules and Operational Guidelines](#); or
- Fulfil our obligations in respect of systemic issues, serious contraventions or monitoring of compliance with industry codes of practice.

### 2.1 Consent

Given AFCA’s purpose, function and associated activities, it is assumed that most individuals who contact us will be aware that we will use any personal information provided to investigate and resolve their complaint. It is also assumed most individuals would be aware that our investigation process will require collection and disclosure of personal information to relevant financial firms and possibly independent AFCA experts/advisors.

You may expressly withdraw your consent for us to handle your personal information

at any time by contacting us through the contact details outlined in section 8 below. However, if you do so we will:

- be unable to proceed to constructively engage in the resolution of your complaint.
- be able to keep, use and disclose personal information collected before consent is withdrawn to carry out our functions or associated activities as an EDR scheme.

### 3 Collection of your personal information

We collect information about you when you use our service, deal with us, if you apply for a job at AFCA or you subscribe to our mailing lists.

#### 3.1 Information we collect from you

We may collect personal information about you when you contact us, use our service, complete our forms, visit our website or deal with us in some other way. Most of your personal information is provided by you directly or your authorised representative (e.g. from a person appointed to act on your behalf).

The information we collect from you may include:

- Information about your identity — including your name, email, address, date of birth, phone number, gender and marital status
- Tax residency status if relevant
- Health information — for example for life insurance complaints
- Financial details and transaction information – for example income, savings and expenses
- Employment details – for example if you apply for a job at AFCA
- When you visit our website or use our live chat — for example your location information, IP address, mobile device and network information
- Other personal information, such as details of your interactions with us

#### Unsolicited information

Sometimes we may receive personal information that we haven't asked for. If we think this information is needed, we will keep it securely. Otherwise, we will destroy or de-identify it, or return it to the party who provided that information to us.

Where you provide us with unsolicited information, consent to the collection, storage and use will be assumed.

#### Third party information

We may also sometimes receive information about a third party who has no active interest or involvement in a complaint. It is accepted practice for EDR schemes such

as AFCA to collect and use all available information, including third party personal information, in order to carry out the primary purpose of complaint resolution. This is also a 'permitted general situation' as defined by s16A of the Privacy Act.

If we receive personal information about a third party, we will not contact the third party directly to advise of the collection of information because to do so may breach confidentiality. However, in appropriate circumstances, we may ask the provider of the information to advise the third party that the information has been provided to us and give their reasons for doing so.

## Surveys

We use the services of InMoment to collect voluntary feedback about your experience with us to help us improve our services. You can access InMoment's privacy policy [here](#).

### 3.2 Information we collect from others

We may collect information about you from others, such as:

- The financial firm you lodged a complaint about with us
- Related financial firms that provided you with a financial service
- Credit reporting bodies
- Publicly available information – for example Australian Business Register (ABR) and insolvency registers
- Family members – for example superannuation complaints about a death benefit
- Regulators or government agencies – for example ASIC and the ATO may provide AFCA with protected information from time to time. Our Rules require us to maintain the protected nature of that information.

### 3.3 Information we collect through our websites and third parties

Our public website, [afca.org.au](http://afca.org.au), is hosted in Australia. We collect information about all visitors to our online resources to identify generic behavioural patterns and improve our services. We do not use this information to personally identify anyone.

## Live chat

Our live chat help service is operated using the Genesys Cloud platform. We may collect your name, email address and phone number but you can choose not to provide these. Any personal information provided in a chat will be captured by both Genesys Cloud and AFCA. You can access Genesys Cloud's privacy policy [here](#).

## Web analytics

We use Google Analytics to collect data about your interaction with our website. The sole purpose of collecting your data in this way is to improve your experience when using our site. The types of data we collect include:

- Server address
- Top level domain name (for example .com, .gov, .au, etc.)
- The date and time of your visit to the site
- The pages you accessed, and documents downloaded during the visit
- The previous site that was visited
- Whether you visited our website before
- The type of browser used
- [any other information shared by Google](#).

Information and data collected through Google Analytics is stored by Google on servers in the United States of America, Belgium and Finland. A visitor can opt out of the collection of information via Google Analytics by downloading the Google Analytics Opt-out browser add-on [here](#).

## Cookies

Cookies are small text files that may be transferred onto computers or devices by websites when you visit a website. They help websites remember information about your visit, like your country, language and other settings to make your browsing experience as friendly as possible. We use cookies to find out how you use our websites, so we can improve your online experience with us.

Most browsers allow you to choose whether to accept cookies or not. If you do not wish to have cookies placed on your computer, please set your browser preferences to reject all cookies before accessing our websites. You can find more information about how to opt out of cookies at [aboutcookies.org/how-to-delete-cookies](http://aboutcookies.org/how-to-delete-cookies).

## Embedded videos

We use third parties, Youtube and Vimeo, for embedded videos and livestreams of events on our website. You can access the privacy policy for [Youtube](#) and [Vimeo](#) on their website.

## Email lists and event registrations

We will collect information that you provide to us to use when signing up to mailing lists and registering for our events.

We use a third party, Campaign Monitor, to manage our mailing lists. You can access Campaign Monitor's privacy policy [here](#).

We use a third party, Eventbrite, to manage event registrations. You can access Eventbrite's privacy policy [here](#). When registering for an event, you may be required to give personal information, such as, your name, address, telephone number and email. You may also be required to provide financial information, including credit card number and expiration date, if you have to make a payment for the event.

### **3.4 Minors and Children's Privacy**

We will seek parental or guardian consent prior to the collection of personal information of children under 16 unless such information was provided to us by a parent or guardian.

### **3.5 Anonymity and pseudonymity**

If you need to, where possible we will provide for you to interact with us anonymously or using a pseudonym. For example, if you call our Enquiries line or use our live chat service on our website with a general question we will not ask for your name unless we need it to handle your question.

For most of our functions and activities we usually need your name and contact information and enough information about the matter you have contacted us about, so that we can fairly and efficiently handle your inquiry, request, complaint or application.

## **4 Managing your personal information**

### **4.1 How we keep your personal information safe**

Our staff are trained in how to keep your information safe and secure. We store our hard copy and electronic records in secure systems and using trusted contracted service providers (including cloud storage providers).

Some of the things we do to protect your information include:

- Staff training to keep your information safe and secure
- Secure handling and storage – for example, we put arrangements in place when we send information or use service providers to handle or store data
- System security – for example, we have firewalls, secure networks, encryption, multi-factor authentication and passwords to stop unauthorised access
- Building security – for example, we have security, cameras and other controls in our buildings to prevent unauthorised access
- Destroying or de-identifying data – for example, we de-identify any published determinations and have a data destruction policy
- Redaction or permanent obscuring of confidential information – for example, we redact or obscure any parts of a document showing TFNs or other government related identifiers.

As far as reasonably practicable, we will make sure that our relationships with our contracted service providers include appropriate protection of your privacy.

#### 4.2 How long we keep your personal information

When personal information is no longer required for our functions and activities, we will generally either return the personal information to the individual or destroy, delete or de-identify it.

For example, we may keep your personal information for longer:

- To fulfil legal or regulatory obligations
- To ensure we don't consider a complaint more than once.
- To respond to a question or complaint.
- For internal research and analytics

Unless we need to keep your personal information for longer, we will generally:

- destroy physical complaint documentation no sooner than seven years after collection,
- destroy electronic complaint document no sooner than seven years after the last action was completed on a file, and
- destroy, delete or de-identify personal information in all other formats seven years after the purpose for which it was collected has expired.

#### 4.3 Where we keep your personal information

The personal information of our employees, systems and most of the third parties we share information with are located in Australia, with some of this personal information stored in secure cloud systems. We require from all our cloud suppliers that such information is to be hosted in Australia.

#### 4.4 How we maintain confidentiality

Our [Rules and Operational Guidelines](#) outline our approach in relation to the confidentiality obligations on parties and us. We also have a statutory power to prohibit disclosure of documents and information through a confidentiality direction when dealing with superannuation complaints.

## 5 Disclosure

### 5.1 How we share your personal information

We only share personal information for an agreed or authorised purpose.

To ensure that we can investigate and resolve a complaint fairly and effectively, we may disclose information to:

- the relevant financial firm about the details of your complaint,
- where relevant, to other persons such as a complaint involving joint account holders or multiple beneficiaries in some superannuation complaints and
- where necessary, to a third party to seek expert advice on the complaint such as a handwriting expert advising on a complaint involving allegations of forgery.

Where you have requested and authorised us to disclose your personal information to your authorised representative or another external party, including a media outlet, we will normally do so, unless we are legally obliged not to, or there is another reason why we do not think it is appropriate.

We may also share personal information with other parties if permitted or required by law and our Rules. For example, we are legally required to share certain information and report to regulators such as ASIC, APRA and the ATO.

## 5.2 Cross-border disclosure

Sometimes, we may need to share your information outside of Australia to resolve your complaint. For example, a small number of member firms of AFCA have operations located overseas. AFCA is unable to control where financial firms conduct their business.

For AFCA to deal with complaints related to those members, AFCA may be required to disclose information to financial firm recipients located overseas. Those financial firms that have operations overseas, which may affect where AFCA sends complaint information, are located in the following countries:

<ul style="list-style-type: none"><li>• Austria</li><li>• Canada</li><li>• China</li><li>• Cyprus</li><li>• Germany</li><li>• Guernsey</li><li>• Hong Kong</li><li>• India</li></ul>	<ul style="list-style-type: none"><li>• Ireland</li><li>• Malaysia</li><li>• Nepal</li><li>• New Zealand</li><li>• Norway</li><li>• Pakistan</li><li>• Philippines</li><li>• Samoa</li></ul>	<ul style="list-style-type: none"><li>• Singapore</li><li>• South Africa</li><li>• Switzerland</li><li>• United Arab Emirates</li><li>• United Kingdom</li><li>• United States of America</li><li>• Vanuatu</li></ul>
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This is a non-exhaustive list of countries and is subject to change.

Where we disclose information outside of Australia, we will take reasonable steps to ensure that any such person to whom personal information is disclosed will deal with that information in a way that is consistent with the APPs.

### 5.3 Publication of decisions and reports

When we publish determinations on our [website](#), we will not publish the name of the complainant and generally any other individual will be de-identified.

We may also publish other information about complaints that we have resolved, such as in a case study or in our annual review. We will not, however, publish any information that may identify an individual in these publications.

### 5.4 Marketing

We will not disclose your personal information for marketing purposes.

## 6 Rights and choices

You can contact us to access, update and correct your personal information.

### 6.1 Accessing your personal information

#### Can you see what information we have?

We will always give you access to your personal information we hold unless there are certain legal reasons why we can't or won't.

A personal information access request is limited to only personal information about you and does not mean full copies of complaint files or information about others will be provided.

#### Can we refuse access?

In some cases, we can refuse access or only give you access to certain information. If we do this, we will tell you why in writing. If you have concerns, you can [make a complaint](#).

#### How to make an access request?

To make an access request, email us at [privacy@afca.org.au](mailto:privacy@afca.org.au). In line with our commitment to protect your privacy, we will need to verify your identity before giving you access.

#### How long will it take?

We try to make your information available within 30 days after you ask for it. Before we give you the information, we will need to confirm your identity.

#### Is there a fee?

There is no fee to ask for your information, but sometimes we may apply an administrative fee to cover the time we spend finding and putting together the information you want, and any copying costs. If there's a fee, we will let you know how much it is likely to be, so you can choose if you want to go ahead.

## 6.2 Correcting your personal information

### How to make a correction request?

Contact us if you think there is something wrong with the information we hold about you. As an alternative to your AFCA contact, you can email your correction request to [privacy@afca.org.au](mailto:privacy@afca.org.au). In line with our commitment to protect your privacy, we will need to verify your identity.

If you are worried that we have given incorrect information to others, you can ask us to tell them about the correction.

### Is there a fee?

We won't charge a fee to correct or update your personal information.

## 7 How to make a complaint

You can complain to us [here](#) if you have a concern about how we have handled your personal information. If you submit a complaint about our service, your concerns will be handled in accordance with our [Service Complaints & Feedback Policy](#). We will respond as soon as possible to resolve the issue.

If your complaint isn't satisfactorily resolved, you may complain to the [Office of the Australian Information Commissioner \(OAIC\)](#). We will explain this all clearly to you in writing, if applicable.

## 8 How to contact us

You can contact us by:

- Email [privacy@afca.org.au](mailto:privacy@afca.org.au)
- Call [1800 931 678](tel:1800931678), or
- Post: AFCA Privacy Officer  
Australian Financial Complaints Authority  
GPO Box 3  
Melbourne VIC 3001

Other assisted contact options are also available.

- Interpreter Service 131 450
- National Relay Service
  - > Voice Relay 1300 555 727
  - > TTY 133 677
  - > SMS Relay 0423 677 767