

# Privacy Policy

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# 1 Scope

## 1.1 About this policy

This privacy policy covers Australian Financial Complaints Authority Limited (ABN 38 620 494 340).

The privacy and security of your personal information is very important to us and this privacy policy explains how we handle it.

Our Code Compliance area has separate privacy policies covering the industry code related information that it collects. Their privacy policies can be found on their websites:

- Banking Code Compliance Committee: <https://bankingcode.org.au/>
- General Insurance Code Governance Committee: <https://insurancecode.org.au/>
- Customer Owned Banking Code Compliance Committee: <https://cobccc.org.au/>
- Life Code Compliance Committee: <https://lifecccc.org.au/>
- Insurance Brokers Code Compliance Committee: <https://insurancebrokerscode.com.au/>

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. Part of this work requires us to report information about the service we provide, the complaints that we handle and the parties involved in those complaints.

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 Notifiable Data Breaches scheme), which sets out the principles for the appropriate handling of personal information that we collect, hold, use and disclose.

We collect, hold, use and disclose your personal information to carry out our functions or associated activities as an external dispute resolution (EDR) scheme.

We are committed to handling all personal information carefully, responsibly, securely, and ensuring that we manage personal information in an open and transparent way. How we generally collect, hold, use and disclose personal information has been set out in this Privacy Policy.

If you are using our dispute resolution service, our [Rules and Operational Guidelines](#) set out how we deal with complaints as an EDR scheme and the confidentiality requirements that apply. Other information about how we handle your personal information in our dispute resolution service can be found [here](#).

### Predecessor schemes

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

### 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 and whether recorded in material form or not. Please refer to Section 2 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 orientation or practices, criminal record, health information, genetic or certain biometric information.

## 2 Collection of your personal information

We only collect information that is directly related to, or reasonably necessary for, a service, function or activity that we engage in.

### 2.1 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. Where appropriate, we will collect your personal information from you directly or your authorised representative (e.g. from a person appointed to act on your behalf).

The information we collect from you will depend on the type of function, activity or service we are engaging in and may include:

- information about your identity — including your name, email, address, date of birth, phone number, gender and marital status, and identification documents
- tax residency status if relevant
- health information — for example, for life insurance complaints
- financial details and transaction information – for example, income, savings and expenses, business and investment interests
- business, employment and recruitment information – for example, if you apply for a job at AFCA or apply to be an AFCA member
- professional industry membership information if you apply to be an AFCA member
- 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 and interactions with other parties.

### Sensitive information

Sometimes we may need to collect sensitive information about you to handle a complaint or provide you with another service. For example, we may collect sensitive information about:

- a person's health for a complaint about life insurance or financial hardship
- an individual's industry membership if they are applying for membership with AFCA
- an individual's reasonable adjustment and other accessibility needs.

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

### 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.

### 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](#).

## 2.2 Information we collect from others

We sometimes collect personal information about individuals from other sources. 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
- other EDR schemes if you made a complaint to them and they refer it to us
- regulators or government agencies – for example:
  - > the Australian Securities and Investment Commission (ASIC)
  - > the Office of the Australian Information Commissioner (OAIC)
  - > the Australian Taxation Office (ATO)
- family members and personal acquaintances – for example, superannuation complaints about a death benefit
- your previous or current employers, or other persons you have a work relationship with – for example, during our recruitment and procurement activities
- businesses that provide information services, such as credit reporting bodies or reference checking services
- publicly available information – for example, ASIC’s registers, Australian Business Register (ABR), court information, insolvency registers, websites and social media sites
- the Compensation Scheme of Last Resort in relation to a claim or potential claim

### Third party information

A common example of when we collect the information about a third party individual is when providing our dispute resolution service. When investigating a complaint, we may collect the personal information of a third party who has no active interest or involvement in the complaint.

It is accepted practice for EDR schemes such as AFCA to collect and use all available information, including third party personal information, so we can effectively and fairly resolve a complaint. This is also a ‘permitted general situation’ as defined by s16A of the Privacy Act.

If we collect 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 the confidentiality obligations we owe when handling a complaint. 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.

### 2.3 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.

### 2.4 Consent

Given AFCA’s purpose, function and associated activities, unless otherwise notified, it is assumed that most individuals who contact us for our dispute resolution service will

be aware that we will use any personal information provided to investigate and resolve the 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 experts/advisors.

AFCA may also obtain your consent to collect, use or disclose your information for other types of activities and functions.

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 7 below. However, if you do so, we may no longer be able to provide you with our service, or adequately perform our functions or activities.

For example, we may be unable to:

- proceed or constructively engage in the resolution of your complaint and so may need to close your complaint, or
- provide you with a membership service.

We may still 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. This will always be consistent with our obligations under the Privacy Act, such as when we are permitted to collect, use or disclose your information without consent or if an exception applies.

## **2.5 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 customer service 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.

## **2.6 Information we collect through our websites and third parties**

Our public website, [afca.org.au](https://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 do not collect personal information that identifies you as an individual unless you provide it voluntarily. Personal information may include your name, email address, phone number or other details when you fill out a form on our website.

We use Google Analytics, Microsoft Clarity and Hotjar to collect non-personal 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
- the date and time of your visit to the site
- the pages you accessed, and documents downloaded during the visit
- if referred to AFCA from a previous site, what site referred you to us
- whether you visited our website before
- information about the device you use to access our website
- [any other information shared by Google](#).

Information and data collected through Google Analytics is stored by Google on servers overseas, currently in the United States, 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](#).

Information and data collected through Microsoft Clarity will generally be stored by Microsoft in its data centre in Australia or in the United States, often with a backup to a data centre in another region.

Hotjar stores information and data within data centres located in Ireland.

The Privacy Policies for each of these analytical tools is available through these links:

- Google - <https://policies.google.com/privacy>
- Microsoft - <https://privacy.microsoft.com/en-US/privacystatement>
- Hotjar - <https://www.hotjar.com/legal/policies/privacy/>

## 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](https://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 Use and disclosure of your personal information

### 3.1 How we use your personal information

We use the personal information that we collect to provide our services and/or perform our functions and activities, such as to:

- fulfil one or more of our objectives as set out in our [Constitution](#)
- resolve complaints under our [Rules and Operational Guidelines](#) and as stated in our other [complaint handling resources](#)
- provide and administer membership services
- enable access to our dispute resolution and membership portal services
- fulfil our obligations in respect of systemic issues and serious contraventions investigations
- assisting an industry code compliance committee with an investigation or other committee function
- conduct recruitment activities
- undertake quality management and service improvement activities, such as quality assurance audits, training and internal review
- general business, procurement and administrative functions and activities.

For example, we will use information obtained through our dispute resolution service to investigate and resolve a complaint. If you have more than one complaint where there are multiple issues we are investigating and if it is reasonably necessary, we will use your information collected for one complaint to investigate and resolve another complaint. This may also include when the complaints are against one or more financial firms.

If we use your information for a purpose other than the service, function or activity for which we collected your information, we will only do so if we are permitted or required to do so.

### **3.2 When we may share your personal information with third parties**

As part of our dispute resolution service and 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,
- anyone you have authorised to act for you in your dealings with us
- where relevant, other persons related to the complaint, such as:
  - > in a complaint involving joint account holders
  - > multiple beneficiaries in some superannuation complaints,
  - > other insureds or third party beneficiaries under an insurance policy
  - > independent experts or advisors, such as a handwriting expert advising on a complaint involving allegations of forgery, or
- where relevant, to other financial firms where there are multiple complaints against different financial firms.

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 with and report to regulators such as ASIC, APRA and the ATO.

Other third parties that we share your personal information with may include:

- service providers who supply AFCA with products and services we require to perform general business, procurement and administrative functions and activities
- if you apply for a job with AFCA, other employers or third parties to conduct reference and background checks
- if you are an employee at AFCA, service providers we engage to provide you with employee benefits or other services

- the Compensation Scheme of Last Resort, where your personal information relates to a claim or potential claim made to that scheme
- industry code compliance committees, where information we hold may relate to an actual, suspected or potential breach of an industry code

### 3.3 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:

- |               |                |                            |
|---------------|----------------|----------------------------|
| • Austria     | • Malaysia     | • Switzerland              |
| • Canada      | • New Zealand  | • Taiwan                   |
| • China       | • Norway       | • United Arab Emirates     |
| • Cyprus      | • Pakistan     | • United Kingdom           |
| • Germany     | • Philippines  | • United States of America |
| • Hong Kong   | • Samoa        | • Vanuatu                  |
| • India       | • Singapore    | • Vietnam                  |
| • Ireland     | • South Africa |                            |
| • Isle of Man | • Spain        |                            |

This is a non-exhaustive list of countries and is subject to change.

We may also disclose information to third party service providers that we may use to perform our functions and activities. As part of providing a service to AFCA, some third party service providers may process or store data overseas. AFCA will only disclose personal information that is reasonably necessary for obtaining or using the third party service.

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.

### 3.4 Publication of decisions and reports

When we publish determinations on our [website](#), we will not publish the name of the complainant and other individuals will be de-identified. An exception is where a determination is published identifying an AFCA member who is also an individual.

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

### 3.5 Marketing

We will not disclose your personal information for marketing purposes.

## 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 tax file numbers 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

- if we continue to provide you with our services.

Unless we need to keep your personal information for longer, we will generally destroy, delete or de-identify personal information 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. To the extent reasonably practicable, we will require our cloud suppliers and other service providers to host personal information in Australia, and not transit such information overseas.

### 4.4 How we maintain confidentiality

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

For personal information obtained for our other activities or functions, we may also have contractual and/or legal obligations that apply. Generally, we will only disclose this information consistent with the reasons for which that information was collected, or if we are required or permitted by law.

## 5 Rights and choices

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

We are required under the Privacy Act to provide you with access to your personal information except in some circumstances. We are not required to comply with requests made under the Freedom of Information (FOI) Act as we are not a government agency.

### 5.1 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 we will provide you with full copies of complaint files or information about others.

### Can we refuse access?

In some cases, we can refuse access to your personal information 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 to your information.

### How long will it take?

We try to make your information available within 30 days after you ask for it or otherwise within reasonable time.

Sometimes it may take us longer because of the type and/or amount of information you are after or due to the number of requests we are handling. We will tell you if this is the case.

### Is there a fee?

There is no fee to ask for your information, but sometimes we may apply an administrative fee to recover the cost of our time spent finding and putting together the information you want, and any costs for providing it to you.

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.

## 5.2 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). Due to our commitment to protect your privacy, we will usually need to verify your identity.

When considering whether to correct information, we will consider why we collected your information and the reason we continue to hold it.

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.

## 6 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.

## 7 How to contact us

You can contact AFCA Privacy by:

- Email [privacy@afca.org.au](mailto:privacy@afca.org.au)
- Call [1800 931 678](tel:1800931678), or
- Post: AFCA Privacy  
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