

# Privacy Statement

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Miao & Co Financial Group Pty Ltd

Company:	Miao & Co Financial Group Pty Ltd
ABN:	78 660 640 030
ACL:	544210
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## VERSION CONTROL

Version Number	Date Updated	Notes
1	March 2023	Original document prepared and finalised in consultation with Sophie Grace Pty Ltd.

## SECTION A – INTRODUCTION

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### 1. INTRODUCTION

- 1.1 The information in this document details how Miao & Co Financial Group Pty Ltd (“**Miao & Co, we, us or our**”), complies with the requirements of the *Privacy Act 1988* (Cth) (“**Privacy Act**”) and the Australian Privacy Principles (“**APPs**”) in protecting the personal information we hold about you.
- 1.2 To increase consumer confidence and trust in how we handle your information, we have chosen to “opt-in” to the Privacy Act.
- 1.3 Personal information is any information or opinion about you that is capable, or reasonably capable, of identifying you, whether the information or opinion is true or not and is recorded in material form or not.
- 1.4 Sensitive information includes such things as your racial or ethnic origin, political opinions or membership of political associations, religious or philosophical beliefs, membership of a professional or trade association or trade union, sexual orientation or criminal record, that is also personal information. Your health, genetic and biometric information and biometric templates are also sensitive information.
- 1.5 We act to protect your personal and sensitive information in accordance with the APPs and the Privacy Act.
- 1.6 We collect personal and/or sensitive information to provide you with the products and services you request as well as information on other products and services offered by or through us. The law requires us to collect personal and/or sensitive information.
- 1.7 Your personal and/or sensitive information may be used by us to administer our products and services, for prudential and risk management purposes and, unless you tell us otherwise, to provide you with related marketing information. We also use the information we hold to help detect and prevent illegal activity. We cooperate with police and other enforcement bodies as required or allowed by law.
- 1.8 We disclose relevant personal information to external organisations that help us provide services. These organisations are bound by confidentiality arrangements. They may include overseas organisations.
- 1.9 You can seek access to the personal information we hold about you. If the information we hold about you is inaccurate, incomplete, or outdated, please inform us so that we can correct it. If we deny access to your personal information, we will let you know why. For example, we may give an explanation of a commercially sensitive decision, or give you access to the information through a mutually agreed intermediary, rather than direct access to evaluative information connected with it.

## **SECTION B – COLLECTION OF PERSONAL INFORMATION**

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### **2. WHY WE COLLECT INFORMATION**

- 2.1 We collect personal information when it is reasonably necessary for one or more of our functions or activities.
- 2.2 These include:
- (a) providing you with the products and services you request and, unless you tell us otherwise, to provide information on products and services offered by us and external product and service providers for whom we act as agent. (If you have provided us with your email or mobile phone details, we may provide information to you electronically with respect to those products and services);
  - (b) complying with our legal obligations;
  - (c) monitoring and evaluating products and services;
  - (d) gathering and aggregating information for statistical, prudential, actuarial and research purposes;
  - (e) assisting you with queries; and
  - (f) taking measures to detect and prevent frauds.

### **3. INFORMATION WE MAY COLLECT**

- 3.1 The personal and sensitive information we collect generally consists of name, address, date of birth, gender, marital status, occupation, account details, contact details (including telephone, facsimile and e-mail) and financial information.
- 3.2 If you are applying for credit we may also collect the number and ages of your dependants, the length of time at your current address, your employer's name and contact details, the length of your employment, proof of earnings and, if you have changed employer in the last few years, details of your previous employment. We use this information to assist in making responsible credit decisions.
- 3.3 In addition, we obtain your consent to collect, use and disclose credit information about you.
- 3.4 Where it is necessary to do so, we also collect information on other individuals such as:
- (a) trustees;
  - (b) partners;
  - (c) company directors and officers;
  - (d) officers of co-operatives and associations;
  - (e) your agents;
  - (f) beneficial owners; and

(g) persons dealing with us on a “one-off” basis.

3.5 We may take steps to verify the information we collect; for example, a birth certificate provided as identification may be verified with records held by the Registry of Births, Deaths and Marriages to protect against impersonation, or we may verify with an employer that employment and remuneration information provided in an application for credit is accurate.

#### **4. HOW WE COLLECT THE INFORMATION**

4.1 We only collect personal information about you directly from you (rather than someone else) unless it is unreasonable or impracticable to do so or you have instructed us to liaise with someone else.

#### **5. INFORMATION COLLECTED FROM SOMEONE ELSE**

5.1 If it is impracticable or unreasonable for us to collect the personal information directly from you, we may collect such information from agents, or from your family members or friends. If you are not aware that we have collected the personal information, we will notify you of collection and the circumstances of collection, if we consider it is reasonable to do so.

5.2 We may be required to collect certain identification information about you in accordance with the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) and *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1)*. If required, we collect this personal information from third parties.

#### **6. INCOMPLETE OR INACCURATE INFORMATION**

6.1 We may not be able to provide you with the products or services you are seeking if you provide us with incomplete or inaccurate information.

#### **7. CONSENT**

7.1 Before or at the time of collecting your personal information, we obtain your consent to the purposes for which we intend to use and disclose your personal information.

7.2 If you don't give us consent, we may not be able to provide you with the products or services you want. This is because we are required to collect this information to provide you advice.

#### **8. WITHDRAWING CONSENT**

8.1 Having provided consent, you are able to withdraw it at any time. To withdraw consent, please contact our office using the contact details included in section 28. Please note that withdrawing your consent may lead to us no longer being able to provide you with the product or service you enjoy given that, as mentioned above, it is impracticable for us to treat some consumers differently.

#### **9. SENSITIVE INFORMATION**

9.1 In addition to the above conditions of collecting personal information, we only collect sensitive information about you if we obtain your prior consent to the collection of the information or if the collection is required or authorised by law.

## **10. DEALING WITH UNSOLICITED PERSONAL INFORMATION**

- 10.1 If we receive personal information that is not solicited by us, we only retain it, if we determine that it is reasonably necessary for one or more of our functions or activities and that you have consented to the information being collected or given the absence of your consent that it was impracticable or unreasonable for us to obtain it under the circumstances.
- 10.2 If these conditions are not met, we will destroy or de-identify the unsolicited information.
- 10.3 If such unsolicited information is sensitive information, we obtain your consent to retain it regardless of what the circumstances are.

## **SECTION D – INTEGRITY OF YOUR PERSONAL INFORMATION**

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### **11. QUALITY OF PERSONAL INFORMATION**

- 11.1 We ensure that the personal information we collect and use or disclose is accurate, up to date, complete and relevant.
- 11.2 Please contact us if any of the details you have provided to us change or if you believe that the information we have about you is not accurate or up to date.
- 11.3 We may also take steps to update personal information we hold, for example, an address, by collecting personal information from publicly available sources such as telephone directories.

### **12. SECURITY OF PERSONAL INFORMATION**

- 12.1 We are committed to ensuring that we protect any personal information we hold from misuse, interference, loss, unauthorised access, modification and disclosure.
- 12.2 For this purpose, we have a range of practices and policies in place to provide a robust security environment. We ensure the on-going adequacy of these measures by regularly reviewing them.
- 12.3 Our security measures include, but are not limited to:
- (a) educating our staff as to their obligations with regard to your personal information;
  - (b) requiring our staff to use passwords when accessing our systems;
  - (c) encrypting data sent from your computer to our systems during Internet transactions and consumer access codes transmitted across networks;
  - (d) employing firewalls, intrusion detection systems and virus scanning tools to protect against unauthorised persons and viruses from entering our systems;
  - (e) using dedicated secure networks or encryption when we transmit electronic data for purposes of outsourcing;
  - (f) providing secure storage for physical records; and
  - (g) employing physical and electronic means such as alarms, cameras and guards (as required) to protect against unauthorised access to buildings.

- 12.4 Where information we hold is identified as no longer needed for any purpose we ensure it is effectively and securely destroyed, for example, by shredding or pulping in the case of paper records or by degaussing (demagnetism of the medium using alternating electric currents) and other means in the case of electronic records and equipment.

## **SECTION E – USE OR DISCLOSURE OF PERSONAL INFORMATION**

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### **13. USE OR DISCLOSURE**

- 13.1 If we hold personal information about you that was collected for a particular purpose (“**the primary purpose**”), we do not use or disclose the information for another purpose (“**the secondary purpose**”) unless:
- (a) We have obtained your consent to use or disclose the information; or
  - (b) you would reasonably expect us to use or disclose the information for the secondary purpose and the secondary purpose is:
    - (i) if the information is sensitive – directly related to the primary purpose; or
    - (ii) if the information is not sensitive – related to the primary purpose; or
  - (c) the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
  - (d) a permitted general situation exists in relation to the use or disclosure of the information by us; or
  - (e) a permitted health situation exists in relation to the use or disclosure of the information by us, in which case we will de-identify the information before disclosing it; or
  - (f) we reasonably believe that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.
- 13.2 Where we use or disclose personal information in accordance with section 13(1)(e) of the Privacy Act and we keep a copy of this disclosure (e.g.: the email or letter used to do so).

### **14. WHO WE MAY COMMUNICATE WITH**

- 14.1 Depending on the product or service we provide to you, the entities we exchange your information with include but are not limited to:
- (a) brokers and agents who refer your business to us;
  - (b) other financial institutions and organisations at their request if you seek credit from them (so that they may assess whether to offer you credit);
  - (c) credit reporting agencies;

- (d) affiliated product and service providers and external product and service providers for whom we act as agent (so that they may provide you with the product or service you seek or in which you have expressed an interest);
- (e) auditors we appoint to ensure the integrity of our operations;
- (f) any person acting on your behalf, including your solicitor, settlement agent, accountant, executor, administrator, trustee, guardian or attorney;
- (g) your referee (to confirm details about you);
- (h) if required or authorised to do so, regulatory bodies and government agencies;
- (i) insurers, including proposed insurers and insurance reference agencies (where we are considering whether to accept a proposal of insurance from you and, if so, on what terms);
- (j) medical practitioners (to verify or clarify, if necessary, any health information you may provide);
- (k) investors, advisers, trustees and ratings agencies where credit facilities and receivables are pooled and sold (securitised);
- (l) other organisations who in conjunction with us provide products and services (so that they may provide their products and services to you); and
- (m) professional associations or organisations with whom we conduct an affinity relationship (to verify your membership of those associations or organisations).

14.2 Our use or disclosure of personal information may not be limited to the examples above.

## **15. OUTSOURCING**

15.1 We disclose personal information when we outsource certain functions, including bulk mailing, card and cheque book production, market research, direct marketing, statement production, debt recovery and information technology support. We also seek expert help from time to time to help us improve our systems, products and services.

15.2 We use banking agents, for example, local businesses, to help provide you with face-to-face banking services. These agents collect personal information on our behalf.

15.3 In all circumstances where personal information may become known to our contractors, agents and outsourced service providers, there are confidentiality arrangements in place. Contractors, agents and outsourced service providers are not able to use or disclose personal information for any purposes other than our own.

15.4 We take our obligations to protect consumer information very seriously and we make every effort to deal only with parties who share and demonstrate the same attitude.



## **16. DISCLOSURE REQUIRED BY LAW**

- 16.1 We may be required to disclose consumer information by law e.g. under Court Orders or Statutory Notices pursuant to taxation or social security laws or under laws relating to sanctions, anti-money laundering or counter terrorism financing.

## **SECTION F – DIRECT MARKETING**

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### **17. DIRECT MARKETING**

- 17.1 We only use or disclose the personal information we hold about you for the purpose of direct marketing if we have received the information from you and you have not requested not to receive such information.
- 17.2 Direct marketing means that we use your personal information to provide you with information on our products and services that may interest you.
- 17.3 If you wish to opt-out of receiving marketing information altogether, you can:
- (a) call us on 1300 733 166 or 0472 566 666; or
  - (b) write to us at [info@miaoco.com.au](mailto:info@miaoco.com.au).

## **SECTION G – CROSS BORDER DISCLOSURE OF PERSONAL INFORMATION**

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### **18. DISCLOSING PERSONAL INFORMATION TO CROSS BORDER RECIPIENTS**

- 18.1 We only disclose your personal information to a recipient who is not in Australia and who is not our entity after we ensure that:
- (a) the overseas recipient does not breach the APPs; or
  - (b) you are able to access the protection of a law or binding scheme that has the effect of protecting the information in a way that is at least substantially similar to the way in which the APP protect the information; or
  - (c) you have consented to the disclosure after we expressly inform you that there is no guarantee that the overseas recipient will not breach the APPs; or
  - (d) the disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
  - (e) a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A(1) of the Privacy Act) exists in relation to the disclosure of the information.

## **SECTION H – ADOPTION, USE OR DISCLOSURE OF GOVERNMENT IDENTIFIERS**

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### **19. ADOPTION OF GOVERNMENT RELATED IDENTIFIERS**

19.1 We do not adopt a government related identifier of an individual as our own identifier unless required or authorised to do so by or under an Australian law, regulation or court/tribunal order.

### **20. USE OR DISCLOSURE OF GOVERNMENT RELATED IDENTIFIERS**

20.1 Before using or disclosing a government related identifier of an individual, we ensure that such use or disclosure is:

- (a) reasonably necessary for us to verify your identity for the purposes of our activities or functions; or
- (b) reasonably necessary for us to fulfil its obligations to a government agency or a State or Territory authority; or
- (c) required or authorised by or under an Australian law, regulation or a court/tribunal order; or
- (d) within a permitted general situation (other than the situation referred to in item 4 or 5 of the table in subsection 16A(1) of the Privacy Act); or
- (e) reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

## **SECTION I – ACCESS TO PERSONAL INFORMATION**

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### **21. ACCESS**

21.1 You can request us to provide you with access to the personal information we hold about you.

21.2 Requests for access to limited amounts of personal information, such as checking to see what address or telephone number we have recorded, can generally be handled over the telephone.

21.3 If you would like to request access to more substantial amounts of personal information such as details of what is recorded in your account file, we require you to complete and sign a "Request for Access to Personal Information" form.

21.4 Following receipt of your request, we provide you with an estimate of the access charge and confirm that you want to proceed.

21.5 We do not charge you for making the request for access, however access charges may apply to cover our costs in locating, collating and explaining the information you request. The charges are based on a rate of \$40 per hour.

21.6 We respond to your request as soon as possible and in the manner requested by you. We endeavour to comply with your request within fourteen (14) days of its receipt but, if that deadline cannot be met owing to exceptional circumstances, your request is dealt with within thirty (30) days. It helps us provide access if you can tell us what you are looking for.

21.7 Your identity is confirmed before access is provided.

## **22. EXCEPTIONS**

22.1 In particular circumstances we are permitted by law to deny your request for access or limit the access we provide. We let you know why your request is denied or limited if this is the case. For example, we may give an explanation of a commercially sensitive decision rather than direct access to evaluative information connected with it.

## **23. REFUSAL TO GIVE ACCESS AND OTHER MEANS OF ACCESS**

23.1 If we refuse to give access to the personal information or to give access in the manner requested by you, we give you a written notice setting out the reasons for the refusal, the mechanisms available to complain and any other relevant matter.

23.2 Additionally, we endeavour to give access in a way that meets both yours and our needs.

## **24. ACCESS TO A CREDIT REPORT ABOUT YOU**

24.1 You have the right to ask for a copy of any credit report we have obtained about you from a credit-reporting agency. However, as we may not have retained a copy after we have used it in accordance with Part IIIA of the Privacy Act the best means of obtaining an up-to-date copy is to get in touch with the credit-reporting agency direct.

24.2 You have a right to have any inaccuracies corrected or, if there is any dispute as to accuracy, to have a note added to your credit reporting agency file explaining your position.

24.3 If we decline your credit application wholly or partly because of adverse information on your credit report, the Privacy Act, requires us to tell you of that fact and how you can go about getting a copy of your credit report.

24.4 The major credit-reporting agency in Australia is Equifax, <https://www.equifax.com.au/>. As the largest agency, it is likely that it will be Equifax that you will need to contact in relation to access to an up-to-date copy of your credit report and any correction of information on your file. You can contact Equifax at <https://www.equifax.com.au/contact>.

## **SECTION J – CORRECTION OF PERSONAL INFORMATION**

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### **25. CORRECTION**

25.1 We correct all personal information that we believe to be inaccurate, out of date, incomplete, irrelevant or misleading given the purpose for which that information is held or if you request us to correct the information.

25.2 If we correct your personal information that we previously disclosed to another APP entity you can request us to notify the other APP entity of the correction. Following such a request, we give that notification unless it is impracticable or unlawful to do so.

## **26. REFUSAL TO CORRECT INFORMATION**

26.1 If we refuse to correct the personal information as requested by you, we will give you a written notice setting out the reasons for the refusal, the mechanisms available to complain and any other relevant matter.

## **27. REQUEST TO ASSOCIATE A STATEMENT**

27.1 If we refuse to correct the personal information as requested by you, you can request us to associate with the information a statement that the information is inaccurate, out of date, incomplete, irrelevant or misleading. We then associate the statement in such a way that makes the statement apparent to users of the information.

## **SECTION K – CONTACT US AND COMPLAINTS**

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### **28. CONTACT**

28.1 If you have any questions or would like further information about our privacy and information handling practices, please contact us by:

- (a) Email: [info@miaoco.com.au](mailto:info@miaoco.com.au);
- (b) Phone: 1300 733 166 or 0472 566 666; or
- (c) Post: 80 Sutherland St, Paddington NSW 2021.

### **29. MAKING A PRIVACY COMPLAINT**

29.1 We offer a free internal complaint resolution scheme to all of our consumers. If you have a privacy complaint, please contact us to discuss your concerns.

29.2 You also have free access to the Australian Financial Complaints Authority, the external dispute resolution scheme in which we are member.

29.3 To assist us in helping you, we ask you to follow a simple three-step process:

- (a) Gather all supporting documents relating to the complaint;
- (b) Contact us and we will review your situation and if possible resolve your complaint immediately; and
- (c) If the matter is not resolved to your satisfaction, please contact our Complaints Officer on 1300 733 166 or 0472 566 666 or put your complaint in writing and send it to the following address: 80 Sutherland St, Paddington NSW 2021.

29.4 If you are still not satisfied, you have the right to contact the Office of the Australian Information Commissioner (“**OAIC**”). You can contact OAIC to make a query concerning your privacy rights, or to lodge a complaint with OAIC about how we have handled your personal information. You can contact OAIC’s hotline on 1300 363 992 or visit their website at [www.oaic.gov.au](http://www.oaic.gov.au). OAIC has the power to investigate a complaint and make a determination.

## PRIVACY CONSENT

You have read, understood and accept each of the statements in this document and consent to personal and sensitive information about you being collected, used and disclosed by Miao & Co as indicated above. By signing below, you agree that Miao & Co may:

- (a) use your personal and credit information:
  - (i) to assess your consumer credit application;
  - (ii) to source any finances you required; and
  - (iii) as the law authorises or requires.
- (b) disclose to, and obtain from, any prospective credit provider, information about you that is reasonably necessary to obtain the finance you require;
- (c) obtain from, and disclose to, any third party, information about you, the applicant(s) or guarantor(s) that is reasonably necessary to assist you obtain the finance required;
- (d) provide your information, including your credit report(s), to one or more credit providers;
- (e) provide you with offers or information of other goods or services we, or any of our associated entities, may be able to provide to you, unless you tell us not to;
- (f) disclose your personal and credit information to the extent permitted by law to other organisations that provide us with services, as described in this Privacy Statement, so they can perform those services for us. This includes service providers located overseas.

You consent to have your identity information verified with the issuer or Official Record Holder.

## ELECTRONIC CONSENT

You consent to the receipt of notices and other documents in connection with your dealings with Miao & Co to the email address provided in this application. You understand that by giving consent:

- (a) Miao & Co may no longer send paper copies of notices and other documents;
- (b) you should regularly check your nominated email address below for notices and other documents; and
- (c) you may withdraw your consent to the giving of notices and other documents by email at any time.

<b>Name of Borrower 1:</b>	<b>Name of Borrower 2:</b>
<b>Signed:</b>	<b>Signed:</b>
<b>Date:</b>	<b>Date:</b>