

# Privacy Policy

## Newmark Capital Limited

This privacy policy sets out how Newmark Capital Limited ACN 126 526 690 AFSL 319372 (**Newmark, we, our**) aims to protect the privacy of your personal information, your rights in relation to your personal information managed by Newmark and the way Newmark will collect, hold, use, disclose and otherwise manage personal information about you.

Newmark will regularly review and update our practices and procedures regarding the management of personal information. As a result, this policy may be updated from time to time. Where Newmark updates this policy, Newmark will make the updated policy available, including on our website.

### Kinds of personal information Newmark collects

For the purposes of the *Privacy Act 1988* (Cth) (**Privacy Act**), personal information is information or an opinion, whether true or not and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

The kinds of personal information that Newmark collects will vary depending the type and nature of Newmark's dealings with you. For example:

- (a) where you invest in a fund or other product of Newmark, we may collect information such as your name, residential and business address, date of birth, contact details (such as email and phone numbers), tax file number, Australian Business Number, tax identification number, bank account details, tax and financial statements, employment details and details regarding your financial or accounting advisors; and
- (b) where you register to receive information from us or submit queries to us regarding our funds or other products or a development or other project that we are involved in, we may collect information such as your name, email address, phone number (including any mobile phone number) or other contact details, together with details of the particular query submitted or information requested.

If we collect your tax file number (**TFN**), we will handle your TFN in accordance with the Privacy Act and the *Privacy (Tax File Number) Rule 2015* (Cth).

Newmark may also collect other kinds of personal information about you, for example where Newmark is required to collect certain kinds of personal information about you for Newmark to undertake identification and verification processes in accordance with *the Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) or any other relevant laws.

We may also be required to ask about your tax residency status under taxation information sharing agreements that the Australian Government has in place with other countries. For example, a tax treaty between Australia and the United States formed under US law (Foreign Account Tax Compliance Act) requires Newmark to ask account holders of some types of products whether they are US citizens or US tax residents when they open their product.

If you are a tax resident of another country, the relevant treaty or law may require us to collect your relevant foreign tax identification number.

Newmark will not generally collect or hold sensitive information about you, unless Newmark is required to do so by law. Sensitive information includes information about your race, political or religious beliefs, sexual preferences, criminal convictions, membership of professional or trade associations or unions or health information.

### **How Newmark collects personal information**

Newmark may collect personal information about you in a range of circumstances, such as:

- (a) where you apply to invest in Newmark's funds or other products;
- (b) as part of Newmark's administration of any investment you make in Newmark's funds or other products;
- (c) where you request information from Newmark or submit queries to Newmark regarding Newmark or Newmark's funds or other products;
- (d) where you register to receive information, or submit queries to us regarding a development or other project that we are involved in; or
- (e) where you submit information to Newmark via Newmark's website or other online services.

Generally, Newmark will collect personal information directly from you. However, there may be circumstances where Newmark collects your personal information from third parties. For example, where you apply to invest in Newmark's funds or other products, Newmark may collect personal information regarding you from any registry services provider or fund administrator appointed by Newmark in respect of the relevant fund or product.

Newmark may also collect personal information about you as a result of Newmark monitoring your investments in the relevant fund or product through Newmark viewing the bank accounts for the relevant fund or product held in the name of an external custodian (including Newmark viewing details regarding transactions processed through such bank accounts in respect of your investments in the relevant fund or product).

### **Purposes for which Newmark collects, holds, uses and discloses personal information**

Newmark collects, holds, uses and discloses personal information about you for purposes relating to Newmark's business and operations, including for the purposes of:

- (a) providing you with information and responding to queries regarding the funds and other products or services of Newmark;
- (b) providing you with information and responding to queries about the developments or other projects that we are involved in or any shopping centre or other similar site that we operate or manage;
- (c) processing your application for investments in the funds or other products or services of Newmark;
- (d) establishing your investment in a fund or other product or service of Newmark; and
- (e) administering your investment in a fund or other product or service of Newmark.

In addition to the purposes set out above, Newmark may collect, hold, use and disclose your personal information to inform you of products, services or offers of Newmark which may be of interest to you. Where you are an investor in a fund or other product of Newmark, this may include



providing you with direct marketing information regarding the other funds or products of Newmark.

If you do not want to receive this information or do not want Newmark to use or disclose your personal information for direct marketing purposes, you can opt out at any time by contacting Newmark.

You are under no obligation to provide your personal information to Newmark. However, without receiving certain information from you, Newmark may not be able to provide Newmark's services to you, may not be able to process any application by you for investment in Newmark's funds or other products or may be limited in the information or response to queries that we are able to provide to you.

### **Disclosures of personal information by Newmark**

Newmark discloses your personal information to others for the purpose for which we collect it. This means that, generally, Newmark will only disclose your personal information for a purpose related to the provision of Newmark's funds management services.

The types of organisations to which Newmark may disclose your personal information to include:

- (a) your financial advisers or other professional advisers;
- (b) related companies of Newmark (such as subsidiaries or holding companies of Newmark);
- (c) any registry service provider, fund administrator or other similar service provider appointed by Newmark in relation to Newmark's funds or other products;
- (d) any other third-party service provider which Newmark may engage to provide custody, administration, technology, auditing, mailing, printing or other services (including email direct marketing service providers);
- (e) Government authorities where required to by law; and
- (f) Newmark's professional advisers (including legal and accounting firms, auditors, consultants and other advisers).

Newmark does not currently disclose personal information to recipients located overseas or have established plans to do so. If Newmark is likely to disclose personal information to other recipients located overseas, Newmark will update this privacy policy regarding the likely disclosures (including, if it is practicable to do so, the countries in which such overseas recipients are likely to be located).

### **Security of your personal information**

Newmark may hold your personal information in both hard copy and electronic forms.

Newmark will take reasonable steps to ensure that the personal information Newmark holds is protected against misuse, loss, unauthorised access, modification or disclosure.

Personal information is held on secure servers operated by a third party or in storage located in controlled, access restricted environments. Newmark's employees are required to maintain the confidentiality of any personal information held by Newmark.

Personal information may also, in certain circumstances, be held on behalf of Newmark in hard copy or electronic forms by Newmark's service providers (such as offsite document storage providers, electronic data storage providers or registry service providers). Newmark enters into agreements



with such service providers which impose confidentiality and privacy obligations on the service provider.

### **Access and correction of personal information**

Newmark takes steps reasonable in the circumstances to ensure that the personal information it collects, holds, uses and discloses about an individual is accurate, complete, up-to-date, relevant and not misleading.

You have the right to request access to the personal information Newmark collects and holds about you. You also have the right to request correction of the personal information Newmark collects and holds about you.

If at any time you would like to request access to or correction of the personal information about you Newmark collects and holds you can contact us using any of the below contact details:

Newmark Capital  
Limited Como  
Centre  
644 Chapel Street  
South Yarra, VIC, 3141  
Phone (03) 9820 3344  
Email [info@newmarkcapital.com.au](mailto:info@newmarkcapital.com.au)

Where Newmark outsources registry functions for the relevant fund or product to a service provider, any request for access to or correction of the personal information held by that service provider may need to be provided to the relevant service provider.

Newmark will seek to respond to requests for access to or correction of personal information within 30 days of the date of the request.

If Newmark refuses any request for access to or correction of personal information held by Newmark, written reasons for that refusal will be provided by Newmark.

In some circumstances, a fee may be charged for the cost of providing you with access to personal information (for example where providing access requires a detailed retrieval of personal information). Such fee will not exceed the cost to Newmark of providing access.

### **Privacy complaints**

If you believe that Newmark have not dealt with your personal information in a manner that complies with the Privacy Act or the Australian Privacy Principles or have any other complaint regarding how Newmark has dealt with your personal information, you can make a privacy complaint to Newmark.

Privacy complaints should be made to Newmark in writing using the contact details set out below. Upon receipt of your complaint, Newmark will commence an investigation into your complaint. At all times, privacy complaints:

- will be treated seriously;
- will be dealt with promptly;



- will be dealt with in a confidential manner; and
- will not affect your existing obligations or effect the commercial arrangements between you and Newmark.

You will be informed of the outcome of your complaint following the completion of the investigation.

In the event you are dissatisfied with the outcome of your complaint, you may refer the complaint to the Office of the Australian Information Commissioner.

### **How to contact us**

For further information or enquiries regarding your personal information or to request access to or correction of personal information or to make a privacy complaint, please contact Newmark using any of the following contact details:

Newmark Capital Limited  
Como Centre  
644 Chapel Street  
South Yarra VIC 3141  
Phone (03) 9820 3344  
Email [info@newmarkcapital.com.au](mailto:info@newmarkcapital.com.au)



