

Australian Private Mortgages Privacy Policy

About us

Australian Private Mortgages Pty Limited (ACN 157 984 819) (APM), trustee of APM Unit Trust ABN 93 456 240 422, is an authorised credit representative under Zagga Market Pty Ltd's (ACN 611 662 401) (Zagga Market) Australian Credit Licence number 490904.

Zagga Investments Pty Ltd (ACN 615 154 786) (Zagga Investments) is the holder of AFSL number 492354 and is the trustee of the Zagga Investments Lending Trust (Zagga Trust).

Zagga Market and Zagga Investments and any related bodies corporate comprise the Zagga Group. In this document, any reference to 'we', 'us' and 'our' is a reference to Zagga Group and APM.

Among other things, Zagga Group and APM provide Australian customers (such as APM Borrowers and APM Investors) an online marketplace lending platform specialising in secured lending. APM is an Authorised Corporate Credit Representative of Zagga Market. Zagga Market acts as Servicer of loans acting on behalf of credit provider, Zagga Investments, who is trustee of the Zagga Investments Lending Trust.

You can read more about our respective businesses at zagga.com.au/about or the APM website being ausprivate.com.au, or both. Borrowers and Investors can learn more about their respective privacy rights and obligations in documents issued to them by us, such as the Borrower Agreement and the Investor Agreement.

Our commitment to you

We understand how important it is to protect your personal information. This policy explains how your personal information will be treated, including when you access it, how you can correct it, and when you interact with this website. A reference to 'this website' or 'our website' includes any websites (including any microsites and mobile websites) operated by or on behalf of Zagga Group or by or on behalf of APM, or both.

This policy also includes Zagga Market's credit reporting policy, that is, it covers additional information on how Zagga Market manages your personal information collected in connection with a credit application or a credit facility. In this policy, where necessary, we refer to the credit-related information of those who apply to borrow as 'credit information', and to investor-related personal information as 'investor information'.

Our commitment in respect of protecting your privacy is to abide by the Australian Privacy Principles and the Notifiable Data Breach scheme for the protection of personal information, as set out in the *Privacy Act 1988 (Cth)* and any other relevant law. In compliance with the *Credit Reporting Code of Conduct* that is issued under the Privacy Act, this document also contains a statement of 'notifiable matters'. This is further explained below.

We review this policy periodically and we will amend our policy as the need arises, such as to reflect emerging legislative and technological developments, industry practice and market expectations. We will let you know of any changes to this policy by informing you via our website.

Your personal information

When we refer to personal information, we mean information or an opinion from which your identity is apparent or can reasonably be ascertained. The personal information we hold about you may also include credit information.

Credit information is a sub-set of personal information, and it is information that is used to assess your eligibility to be provided with finance. It may include any finance that you have outstanding, your repayment history in respect of those loans, and any defaults. Usually, credit information is exchanged between credit and finance providers and credit reporting bodies (CRBs). Credit providers (including banks, building societies, certain retailers that allow you to defer payment for goods and services, utility companies and telecommunications carriers) provide information about individuals' activities in relation to consumer credit to central databases managed by CRBs. CRBs are then able to include that information on the individual's credit report. A credit provider can obtain a copy of an individual's credit report from a CRB to assist them in deciding whether to provide an individual with consumer credit, or to manage credit that has been provided to an individual.

About credit information and 'notifiable matters'

The law requires us to advise you of 'notifiable matters' in relation to how we may use your credit information. You may request to have these notifiable matters (and this policy) provided to you in an alternative form, such as a hard copy.

We exchange your credit information with CRBs. We use the credit information that we exchange with the CRBs to verify you and to assess your creditworthiness, assess your application for finance and manage your finance. If you fail to meet your payment obligations in relation to any finance that we have provided or arranged, or you have committed a serious credit infringement, we may disclose this information to a CRB. The CRB may include this information in reports it provides to other credit providers to assist them to assess your credit worthiness.

You have the right to request access to the credit information that we hold about you and make a request for us to correct that credit information if needed. We explain how you can do this below.

Sometimes, your credit information will be used by CRBs for 'pre-screening' credit offers on the request of other credit providers. You can contact the CRB at any time to request that your credit information is not used in this way.

You may contact the CRB to advise them that you believe that you may have been a victim of fraud. For 21 days after the CRB receives your notification, the CRB must not use or disclose that credit information. You can contact any of the following CRBs for more information:

- illion Australia Pty Ltd (checkyourcredit.com.au)
- Experian (experian.com.au)
- Equifax Australia (mycreditfile.com.au).

Your personal information and its protection are of utmost importance to us. Personal information held by us may include your name, date of birth, current and previous addresses, telephone or mobile phone numbers, email addresses, bank details, occupation, qualifications, employment history, driver's licence number, passport details, financial details and other information we think is necessary. We may hold details of products and services (including their status) you have, such as in the case of borrowers, your home loan, car finance or superannuation provider. We may hold information from CRBs, such as default information, personal insolvency information and repayment history information. For Investors, we may hold information such as your accountant's certification of your income and assets, together with other personal information.

If you choose not to provide certain personal information (for example, your date of birth), we may not be able to provide you with the products and services you require, or the level of service we aim to offer.

You may need to provide personal information about other individuals to us (for example, about your authorised representatives). If so, we rely on you to inform those individuals that you are providing their personal information to us and to advise them that we can be contacted for further information (see 'How to contact us' at the end of this policy).

How we collect personal information

We collect personal information in a number of ways, including:

- directly from you, for example, when you provide information by phone, in application forms or other agreements, or when you submit your personal details through any of our online platforms
- from third parties such as providers of survey, competition or marketing related services, related companies, CRBs or your representatives. If we obtained your information through any of these methods and you would like a list of these entities or websites, or if you feel you have not given us consent to use your details, please contact us using the details below
- from publicly available sources of information
- from the organisations and entities identified under 'When we disclose your personal information'
- from our own records
- when you visit any of our online platforms, and
- when legally required to do so - for example, in the provision of specific credit services.

When we collect your credit information, we may provide more details on how we manage your credit information.

How we use your personal information

Your personal information may be used to:

- conduct our business
- assess your application for finance and manage that finance
- assess your application to invest to lend and manage that investment and your interests in the Zagga Trust
- manage our business relationship with you and with others, including our investors and credit providers
- verify your identity
- assist you to gain approval or provision of a product or service
- complete a transaction on your behalf
- provide the products and services you require
- administer and manage those products and services such as matters relating to making payments
- inform you of ways the products and services provided to you could be improved or additional products or services from which you may benefit
- market products or services (explained below)
- conduct appropriate checks for credit-worthiness and for fraud
- research and develop our products or services provided, either directly or referred, and
- gain an understanding of your information and credit or financial needs in order for us to provide you with a better service.

For those applying to borrow, we base some things on the information we get from CRBs, such as:

- our summaries of what the CRBs tell us
- our Credit Assessment Score (CAS). A CAS is a calculation that lets us know how likely a credit applicant will repay credit made available to them.

Information that we get from a CRB or information we derive from such information is known as **credit eligibility information**.

Also, your personal information is collected so that we can promote and market products and services to you (including by way of direct mail, telemarketing, email, SMS and MMS messages and via social media). This is to keep you informed of products, services and special offers and this may continue after you cease holding an active product or service through us. If you do not wish for this to take place or continue, please contact us below.

When we disclose your personal information

We will not sell, trade or rent your information to any party outside of Zagga Group or APM. We will never share a Borrower's contact details (including address, telephone numbers, email address and place of work) with any Investors, but we may share some information about a Borrower and their loan to approved Investors provided that we have the Borrower's authority or consent.

In order to deliver the products or services you require, we may disclose your personal information to organisations outside of Zagga Group and APM. Your personal information is disclosed to these organisations only in relation to us conducting our business or providing our products and services to you.

From time to time, we use external organisations to carry out or handle our:

- printing
- customer enquiries
- mailing operations
- billing and debt-recovery functions
- information technology services
- marketing and telemarketing
- market research
- website usage analysis, and
- other business needs.

This means we disclose your personal information (such as name and address) to them. We take reasonable steps to ensure that these organisations are bound by confidentiality and privacy obligations in relation to the protection of your personal information.

In addition, from time to time, we may disclose your personal information to:

- anybody who represents you, such as finance brokers, financial advisers, lawyers and accountants
- your employer, referees or identity verification services
- CRBs (see 'Sharing with CRBs' below)
- fraud-checking agencies
- credit providers (such as for credit related purposes such as credit-worthiness, credit rating, credit provision and financing)
- prospective funders or other intermediaries in relation to your finance requirements
- Australian banks, non-bank lenders and providers of credit, financial, insurance or related services
- our related bodies corporate
- our professional advisers, including our accountants, auditors and lawyers
- investors, agents or advisers, or any entity that has an interest in our business
- comparison sites, mortgage brokers or providers of investment, finance or credit where it is legal for us to do so
- government and regulatory authorities and other organisations under which we are governed (such as ASIC, AUSTRAC, the ATO) and other bodies as required or authorised by law (such as under the *Anti-Money or Laundering and Courter Terrorism Financing Act 2006 (Cth) (AML/CTF Act)*)
- organisations who manage our business, marketing, corporate or related strategies
- organisations that provide us with information and infrastructure systems
- organisations that provide us with products or services we use or market
- Australian Government's Document Verification Service (DVS) and VIX Verify's greenID to compare identification details you provided against online government records and/or information in my credit file, to verify your identity for the purposes of the AML/CTF Act
- associated businesses that may want to market products and services to you, and
- anyone, where you have provided us consent.

Some of the above external organisations and entities may be located outside of

Australia.

Transfer of information overseas

We currently run our business in Australia, but this may be expanded to other countries. We will provide a list of these countries by updating this policy.

We may also need to share some of your information (including credit information) with organisations outside Australia, including Ireland and the United States, and with our service providers in New Zealand, specifically Zagga Limited (zagga.co.nz) and Communica Pty Ltd (communica.co.nz). You should note that while they will often be subject to confidentiality or privacy obligations, they may not always follow the particular requirements of Australian privacy laws. In the event that a disclosure is made in an overseas country, the information will not be protected by the Australian Privacy Principles, and you will not be able to hold us accountable or seek redress under the Privacy Act if the overseas organisation breaches the Australian Privacy Principles. In any event, by providing your details, you consent to your information being disclosed in this manner. Overseas organisations may be required to disclose information we share with them under a foreign law. In those instances, we are not responsible for that disclosure.

We may store your information in cloud or other types of networked or electronic storage. You should note that, as electronic or networked storage can be accessed from various countries via an internet connection, it is not always practicable to know in which country your information may be held.

We will not share any of your credit information, or other information, with a CRB, unless it has a business operation in Australia. We are not likely to share credit information we obtain about you from a CRB or that we derive from that information.

Sensitive information

Sensitive information is any information about your 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, criminal record or health information.

We may seek, collect, use or disclose sensitive information about you, but only if that sensitive information relates directly to our ability to conduct our business, arrange or provide credit to you or manage the credit provided to you (including, for example, assessing hardship applications and collecting overdue payments), or to issue you with interests in the Zagga Trust and manage those interests on your behalf.

Unsolicited information

Sometimes people share information (including sensitive information) with us we have not sought out. This could be through using our website or, for example, requesting us to assess or assist in a credit hardship application. If we receive unsolicited personal information (including sensitive information) about you, we will determine whether we would have been permitted to collect that information. If yes, then we will handle this information the same way we do with other information that we seek from you or in the manner described in this policy. If no and the information is not contained in a Commonwealth record, then we will destroy or de-identify it as soon as practicable, but only if it is lawful and reasonable to do so. Often, it is not possible for us to neatly unbundle this information then destroy or de-identify only certain sections or parts of it, and we may need to store this information for future use, such as to help resolve disputes between us or assess future applications by you. We have many security safeguards in place to protect the information from interference, misuse, loss, unauthorised access, modification or disclosure.

Sharing with CRBs

We may disclose information about you to a CRB in Australia when you are applying for credit, you have obtained credit from us, or if you guarantee or are considering guaranteeing the obligations of another person to us. When we give your information to a CRB, it may be included in reports that the CRB gives other organisations (such as other lenders) to help them assess your credit worthiness.

Some of that information may reflect adversely on your credit worthiness, for example, if you fail to make payments or if you commit a serious credit infringement (like obtaining credit by fraud). That sort of information may affect your ability to get credit from other lenders.

Marketing

We may use or disclose your personal information to let you know about products and services from us and our agents, business partners and affiliates that might serve your financial, lifestyle and other needs (such as by way of updates or newsletters), to run competitions or promotions and to communicate other offers or opportunities in which you may be interested.

We may conduct these marketing activities via mail, email, telephone, messaging such as SMS and MMS, or any other means, including electronic means. We may also market our products and services to you through third party channels (such as social networking sites). We will always let you know that you can opt out from receiving marketing offers.

With your consent, we may disclose your personal information to third parties such as brokers or agents, or for the purpose of connecting you with other businesses or customers. You can ask us not to do this at any time.

Third party marketing service providers may combine the personal information we disclose to them with information they already hold about you, in order to provide you with more relevant advertising about our or their products and services.

We will not use or disclose sensitive information about you for direct marketing purposes unless you have consented to that kind of use or disclosure.

Where we market to prospective customers, we are happy to let them know how we obtained their information and will provide easy to follow opt-outs.

IP address, cookies and web beacons

IP address

Your internet protocol address (or 'IP address') is the numerical identifier for your device when you are using the internet. It may be necessary for us to collect your IP address for your interaction with some parts of our website.

Cookies (and targeting and remarketing)

A 'cookie' is a small text file placed on your device by a webpage server that may later be retrieved by webpage servers. There are different types of cookies and they are used for different purposes. For example, session cookies are generally active for one session only as they are used to facilitate completing online forms; they differ from persistent cookies that are stored on your device to help websites remember your information and settings when you visit them again. We use cookies on our website to provide you with a better website experience. We also use cookies for other purposes, such as to better understand our users' behaviours and habits (such as by measuring traffic patterns and analysing trends) so that we can diagnose problems and make improvements to our products and services. We may use cookie information to display targeted advertisements or content on our network and on this website, and also on third party networks and websites (Third Party Websites) such as Google and Facebook. We may use remarketing tools such as Google AdWords to tailor our marketing to (for example) better suit your needs and only display advertisements that are relevant to you.

When you visit our website or related landing pages to read, browse, submit or download information, our system will record/log information such as your IP address, date and time of your visit to our site, the pages viewed and any information downloaded. We may automatically collect non-personal information about you such as the site from which you linked to our website. In some cases we may also collect your personal information through the use of cookies.

You can configure your browser to refuse cookies or delete existing cookies from your hard drive. Rejecting cookies may have the effect of limiting access to or functionality of parts of our website.

Web beacons

A web beacon is typically a transparent graphic image invisible to the user that is placed on a website. The use of a web beacon allows the website to record the simple actions of the user (such as opening the page that contains the beacon) through a tracking pixel.

We may use web beacons (and cookies) for purposes such as site usage analytics, advertising auditing and reporting, as well as content and 'advertising/marketing personalisation'. We may share any data collected from web beacon (and cookies) with third parties to provide you with relevant advertising when browsing Third Party Websites.

Information from third parties

Our website may contain links to Third Party Websites (for example, third party providers of goods and services). If you accessed Third Party Websites through our website and if those third parties collect information about you, we may also collect or have access to that information as part of our arrangements with those third parties.

Where you access a Third Party Website from our website, cookie and web beacon information, information about your preferences or other information you have provided about yourself may be shared between us and the third party.

Advertising and tracking

We may advertise on Third Party Websites. When you view our advertisements on Third Party Websites, the advertising company may use cookies, and in some cases, web beacons, to collect information such as the server your computer is logged onto, your browser type, the date and time of your visit and the performance of their marketing efforts.

When you access our website after viewing one of our advertisements on a Third Party Website, the advertising company may collect information on how you utilise our website (for example, which pages you viewed) and whether you commenced or completed an online application or other online forms.

Online applications

When you send a completed online application to us, we retain the information contained in that application. We are able to then use that information to provide any products and services that you require.

You may also be able to suspend and save online applications, so you can complete and send the applications at a later time. If you suspend or save your application, the information that you have entered will be retained in our systems so that you may recover the information when you resume your application. Online applications that have been suspended or saved may be viewed by us. In particular, if you start but do not submit an online application, we can contact you using any of the contact details you have supplied to offer help completing it.

Accurate information

We take all reasonable precautions to ensure that the personal information we collect, use and disclose is accurate, complete and up-to-date.

However, the accuracy of that information depends to a large extent on the information you or others provided to us.

Update and access of personal information

If you wish to make any changes to your personal information, please contact us. We will generally rely on you to assist us in informing us if the information we hold about you is inaccurate or incomplete.

You may request access to the personal information we hold about you by contacting us. We will respond to your request within a reasonable period. We will give access in the manner you have requested if it is reasonable to do so. We may charge you a fee to access the information. The fee will not be excessive and will not apply to the making of the request.

We may deny you access to your personal information in certain circumstances, for example, if required or authorised by or under an Australian law or a court/tribunal order, or it would be likely to prejudice enforcement related activities by an enforcement body. In relation to credit eligibility information, the exceptions may differ.

If we decide not to give you access, we will provide reasons for the refusal and information on how you can complain about the refusal.

Additional things we have to do to correct your credit information

If you ask us to correct credit information, we will help you with this in the following way.

Helping you manage corrections

Whether we made the mistake or someone else made it, we are required to help you ask for the information to be corrected. So we can do this, we might need to talk to others. However, the most efficient way for you to make a correction request is to send it to the organisation that made the mistake.

Where we correct information

If we are able to correct the information, we will let you know within five business days of deciding to do this. We will also let the relevant third parties know as well as any others you tell us about. If there are any instances where we cannot do this, then we will let you know in writing.

Where we cannot correct information

If we are unable to correct your information, we will explain why in writing within five business days of making this decision. If you have any concerns, you can access our external dispute resolution scheme or make a complaint to the Office of the Australian Information Commissioner (OAIC).

Time frame for correcting information

If we agree to correct your information, we will do so within 30 days from when you asked us, or a longer period that's been agreed by you.

If we cannot make corrections within a 30 day timeframe or the agreed time frame, we must:

- let you know about the delay, the reasons for it and when we expect to resolve the matter
- ask you to agree in writing to give us more time, and
- let you know you can complain to our external dispute resolution scheme or the OAIC.

Storage and security of personal information

We store information in different ways, including in paper and electronic form. The security of your personal information is important to us and we take reasonable steps to protect it from misuse, interference and loss, and from unauthorised access, modification or disclosure. Some of the ways we do this are:

- confidentiality requirements of our employees
- document storage security policies, such as our Information Security Policy
- security measures for access to our systems

- only giving access to personal information to a person who is verified to be able to receive that information
- control of access to our buildings, and
- electronic security systems, such as firewalls and data encryption on our website.

Our online marketplace lending platform is a secure document portal. It allows a matched Investor to view (password required) the relevant Borrower's loan information and supporting documentation securely, but restricts the Investor from sharing, printing, copying or publishing the information to any other party. All activities of Investors are tracked, stored and audit-trailed.

We take protecting the security of your personal information seriously. A response plan that is designed to enable us to contain, assess and respond to suspected data breaches in a timely fashion will be followed to help mitigate potential harm to affected individuals.

We may store your information in cloud or other types of networked or electronic storage. As electronic or networked storage can be accessed from anywhere via an internet connection, it is not always practicable to know in which country your information may be held. If your information is stored in this way, disclosures may occur in countries other than those listed here or those we referred to from time to time.

In addition to the above, we also regularly review developments in security and encryption technologies. However, it is important to remember that the use of email and the internet may not always be secure, even with these safeguards in place.

If we transfer personal information to another organisation, for example, as described in 'Transfer of information overseas' above, or store personal information physically or electronically with third party data storage providers, we will take reasonable steps such as by way of the use of contractual arrangements to ensure those organisations and providers take appropriate measures to protect that information and restrict the uses of that information in accordance with the Australian Privacy Principles.

When we no longer require your information, and we are legally permitted to, we take reasonable steps to destroy or de-identify the information. However, sometimes it is impossible or impractical to completely isolate the information then completely remove all traces of the information, and we may store the information for future use, such as to help resolve disputes between us or assess future applications by you. The same security safeguards will be in place to protect the information, as detailed in this policy.

Business without identifying you

In most circumstances, it will be necessary for us to identify you in order to successfully do business with you. However, where it is lawful and practicable to do so, we will provide you with the option to remain anonymous or to use a pseudonym, for example, when you make general inquiries about our business or current promotional offers.

While we may collect your tax file number (such as in the case of an Investor), we do not adopt a government related identifier such as tax file numbers as a means of identifying you. Use and disclosure of tax file numbers are strictly regulated by tax laws and the Privacy Act.

How to contact us

You may contact APM during AEST business hours by:



calling (03) 9695 5695



write to us at:
194 Gladstone Street
South Melbourne VIC 3205



email us at
enquiries@ausprivate.com.au

Complaints and further information

If you have a complaint about how we handle your personal information, we want to hear from you. You are always welcome to contact us.

You can let us know about your complaint or feedback by contacting us at:

The Chief Executive Officer
Zagga Market Pty Ltd
GPO Box 4505
SYDNEYNSW 2001

Email: info@zagga.com.au
Telephone: 1300 1 ZAGGA (1300 192 442)

Or

The Chief Executive
Australian Private Mortgages Ptd Ltd
194 Gladstone Street
South Melbourne VIC 3205

Email: enquiries@ausprivate.com.au
Telephone: (03) 9695 5695

By giving us as much information as possible, you will help us resolve things faster. And if you have any supporting documentation, please have it handy when you raise your concern. Most complaints are resolved quickly and you should hear from us within five business days.

If you are dissatisfied with our response, you may make a complaint to the OAIC which can be contacted at oaic.gov.au or on 1300 363 992.

You may request further information about the way we manage your personal information by contacting us.

The Australian Financial Complaints Authority (AFCA) can consider certain privacy complaints relating to either the provision of credit or credit reporting information in general. You can contact ACFA at afca.org.au or on 1800 931 678.