

Privacy and BPS Recovery

BPS Recovery and its related bodies recognises the importance of keeping any personal information we may receive about you secure and confidential.

We provide insolvency services as appointees pursuant to the *Corporations Act 2001* (Cth), *Bankruptcy Act 1966* (Cth) and related legislation. This legislation provides us with powers and duties to investigate the affairs of insolvent debtors and may include the power to compel you and third parties to provide personal information to us.

This privacy policy explains how BPS Recovery collects, uses, manages and discloses personal information and how we aim to protect the privacy of your personal information.

As we may update this policy from time to time, we encourage you to check for changes, a copy of this document is located on the web at <https://bpsrecovery.com.au/privacy-policy.pdf>

Privacy Act and personal information

The Privacy Act 1988 (Cth) ('Privacy Act') and the relevant privacy principles under the Privacy Act regulate how private sector organisations can collect, store, manage, use, disclose and provide access to personal information.

We are bound by the Privacy Act and the Australian Privacy Principles (APPs).

For the purposes of the 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.

Reasons for collecting personal information

BPS Recovery collects personal information primarily for the purpose of providing our services and conducting our business. This may involve collecting personal information from you to:

- comply with our obligations under the Corporations Act or Bankruptcy Act when appointed as external administrators to a corporation or individual respectively
- provide advice to you, an associated entity or a third party
- consider an employment application from you
- consider procurement of services from you
- provide you with access to our website and other online services
- provide our publications to you
- respond to queries you submit to us
- provide you with information about our services that may be of interest to you
- administer accounting, billing and other internal administrative services
- comply with our legal requirements under any applicable laws, including anti-money laundering legislation and any other legal requirements which we must comply with which we must comply.

Subject to the specific obligations you may have under any applicable legislation (e.g. the Corporations Act or the Bankruptcy Act) you are not required to provide your personal information to us. However if you choose not to provide personal information to us where requested (or provide inaccurate or incomplete information), we may not be able to provide services to you or in the case of an external administration, deal with your claim.

BPS Recovery will use the personal information for the primary purpose and potentially for a permissible secondary purpose where:

- you have consented to that secondary purpose
- it would be reasonably expected to be used for the secondary purpose
- the secondary purpose is related to the primary purpose, or
- otherwise allowed by the law

Personal information BPS Recovery collects

BPS Recovery collects personal information such as a person's name, date of birth, address, telephone number, email address, driver's licence details, passport details, tax file number, Australian Business Number, bank account details, investment information and employment information.

BPS Recovery may collect sensitive information such as membership of a professional or trade association, membership of a trade union or a criminal record. In the case of prospective employees, your photo may be taken.

Website information

The BPS Recovery website is owned and operated by BPS Recovery. By accessing or using our website you agree that we may collect personal information as follows:

- Your contact details and other information collected when you register for any online publications.
- Any messages or comments you submit to us via the website, e.g. through an email or "Contact us" page.
- Information you provide such as your name, contact details and employment history, where you have used the website to apply for a position with BPS Recovery.

By using our website, you agree to the following:

- Information on the site about insolvency or any related subject is intended to provide a general outline. It is not intended to be comprehensive nor does it constitute advice. You should seek legal or other professional advice before relying on or taking other action based on the information contained on our site.
- Whilst we endeavour to ensure that the information provided on our website is accurate, complete and up-to-date, we do not guarantee its currency as there may be delays, errors or omissions.
- All trademarks mentioned on our website belong to their respective owners. Unless otherwise indicated, BPS Recovery is the copyright owner for the content of the website.
- Permission to reproduce, adapt, distribute, store in a retrieval system or transmit any content from our site for commercial purposes must be obtained from BPS Recovery in writing.
- BPS Recovery is not responsible for any loss suffered in connection with the use of its website. This includes but is not limited to, the transmission of any computer virus. It is recommended that prior to using any downloaded file, you carry out a virus check.
- In common with many commercial websites, we may also collect aggregated information that tells us about visitors to the website but not the identity of those visitors. For example, we may collect information about the date, time and duration of visits and which pages of the website are most commonly accessed. This information is used by us to help administer and improve the website.

IP Addresses

The BPS Recovery website servers gather your IP address to assist with the diagnosis of problems or support issues with our services. Information is gathered in aggregate only and cannot be traced to an individual user.

Use of site cookies

The website may use 'cookies', small text files which are placed on your hard drive to store information. Permanent cookies may be used to store user settings, like your preferred location. These cookies allow us to increase your security by storing your session ID and are a way of monitoring single user access. This aggregate, non-personal information collated and provided to us to assist us in analysing the usage of the site.

Links

The website may, from time to time, contain links to the websites of other organisations, which may be of interest to you. Linked websites are responsible for their own privacy practices and you should check those websites for their respective privacy statements.

Blogs, forums and other social media

The website may host various blogs, forums, and other social media applications or services that allow you to share content with other users. Any personal information that you contribute to any social media application can be read, collected and used by other users of that social media application and we have little or no control over this. BPS Recovery is not responsible for any other users use, misuse or misappropriation of any personal information or other information that you contribute to any social media application.

How BPS Recovery collects personal information

BPS Recovery collects personal information by lawful and fair means and not in an unreasonably intrusive way. Generally, BPS Recovery will collect this personal information directly from you, for example by requesting that you provide the information when you:

- fill out an application form
- submit an online form to us
- enter into an agreement with us
- engage in social media with us
- correspond with us
- subscribe to a distribution list
- lodge a proof of debt or other claim in relation to an external administration of a company or the bankruptcy of an individual

In the case of externally administered companies or the bankruptcy of an individual, this information may come into our possession when appointed as external administrators to a company or an individual in accordance with the Corporations Act or Bankruptcy Act respectively.

There may be other occasions when we collect personal information about you or from other sources, such as from a publicly maintained record or from an information services provider, for example where we are required to verify your identity under anti money laundering legislation.

Disclosure of your personal information by BPS Recovery

From time to time we may need to disclose your personal information to a third party.

The types of third parties to which we may disclose personal information include:

- your financial, legal or other professional advisers or other persons you have authorised to act on your behalf
- service providers we engage to provide custody, administration, technology, auditing, mailing, printing or other services
- regulatory or government authorities (where required by law)
- our professional advisers (including legal and accounting firms, auditors, consultants and other advisers)
- our related companies
- other creditors of any external administration or bankruptcy of any individual.

Some of the recipients to whom BPS Recovery may disclose your personal information may be based overseas. BPS Recovery will only disclose your personal information on receipt of your consent or in order for us to comply with applicable legislation (e.g. the Corporations Act or the Bankruptcy Act). Your personal information may be shared for business related purposes with our related entities, our agents and third parties located overseas. Such overseas recipients may not be bound by the Privacy Act. On granting your consent, you acknowledge that by consenting to BPS Recovery disclosing your personal information to overseas recipients, Australian Privacy Principle 8.1 will not apply to the disclosure. This means that BPS Recovery will not be required to take reasonable steps in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to that personal information and as a result BPS Recovery may not be liable under the Privacy Act if the recipient does not act consistently with the Australian Privacy Principles.

If BPS Recovery wishes to use or disclose any of your personal information, other than as set out above, BPS Recovery will not do so unless:

- We have your express consent to do so;
- We have reasonable grounds to believe that the use or disclosure is necessary to prevent a threat to life or health
- We have reasonable grounds to believe that the use or disclosure is required by law or enforce the law.

Except for the above disclosures, BPS Recovery will not sell, rent, trade or otherwise supply to third parties any personal information obtained from you unless you consent.

Security of your personal information

BPS Recovery takes all reasonable steps to protect the personal information we hold about you from misuse and loss and from unauthorised access, modification or disclosure.

BPS Recovery has in place a number of data security, information security and other similar security policies and procedures. These policies and procedures are regularly reviewed to ensure they remain current and appropriate.

We endeavour to ensure that personal information is stored securely and access is restricted to authorised personnel only. Our computer systems require access passwords, and these are kept secure by our personnel.

Accessing or changing personal information

Under the Privacy Act, you have a right to access or change your personal information that is collected and held by BPS Recovery.

If you would like to access or change the personal information BPS Recovery holds about you, you can contact BPS Recovery and request the relevant change or access. In the first instance, you should contact your BPS Recovery contact if you have one. Otherwise, please contact us as outlined below.

To action any change or access request, we will need to verify your identity and comply with our other procedures which are in place to prevent unauthorised access to personal information.

We will take all reasonable steps to provide access or make the changes to your personal information within 30 days from your request.

BPS Recovery will not normally charge you any fees or costs for access to your personal information. Fees or costs may apply if providing you with access would require us to incur retrieval or other out of pocket costs. We will notify you if any such fees or costs would be payable.

Privacy complaints

If you believe that BPS Recovery has contravened the Privacy Act or have any other privacy complaint regarding BPS Recovery, you can make a complaint by contacting our Privacy Compliance Manager (the contact details for our Privacy Compliance Manager are below).

BPS Recovery will seek to resolve any privacy complaints and will deal with privacy complaints as quickly as possible and in a respectful and confidential manner.

BPS Recovery will investigate any privacy complaint you make and will inform you 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, please contact the BPS Recovery Privacy Compliance Manager at mitchellball@bpsrecovery.com.au, on +61282232500 or by mail at 18/201 Kent St, Sydney, NSW, 2000