

# PRIVACY POLICY

EFFECTIVE DATE: 28 JUNE 2024

*A state of opportunity.*

**MCMF.**  
MURDOCH CLARKE MORTGAGE FUND

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MURDOCH CLARKE MORTGAGE MANAGEMENT LIMITED  
ABN 84 115 958 560

# PRIVACY POLICY

(Effective Date: 28 June 2024)

## MURDOCH CLARKE MORTGAGE FUND ARSN 093 255 559

Murdoch Clarke Mortgage Management Limited ABN 84 115 958 560 (Australian Financial Services Licence 296758, Australian Credit Licence 296758) ("MCMF", "we", "us" or "our") as responsible entity of the Murdoch Clarke Mortgage Fund ARSN 093 255 559 ("the Fund") is bound by the Privacy Act 1988 (Commonwealth) ("the Act") and the Australian Privacy Principles (APPs) contained in it. We are also bound by Division 3 of Part IIIA of the Act which relates to handling credit and credit related information.

This Privacy Policy has been prepared and is being implemented by us to ensure our compliance with the Act and the APPs. It explains how we collect, use and disclose your personal information (including credit and credit related information). It also outlines our (and your) legal rights and obligations in relation to that information. It details the type of information collected, how it is used, held and disclosed, your rights of access, correction and deletion of personal and credit information and the complaint procedures. It applies to both borrowers and investors of the Fund.



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**P** GPO Box 408 Hobart TAS 7001

**HOBART**  
10 Victoria Street  
Hobart TAS 7000

**LAUNCESTON**  
85b George Street  
Launceston TAS 7250

**DEVONPORT**  
2/64 Best Street  
Devonport TAS 7310

Murdoch Clarke Mortgage Fund  
ARSN: 093 255 559

Responsible Entity:

Murdoch Clarke Mortgage Management Limited  
ABN 84 115 958 560

Australian Financial Services License Number 296758

Australian Credit Licence Number 296758

## 1 - TYPES OF INFORMATION

In this Policy we use the following terms to have the meanings ascribed to them. Those terms are:

"personal information" means any information from which your identity is apparent or from which you can reasonably be identified. The types of personal information used generally include name, personal details, date of birth, tax file number, contact details and account details.

"credit eligibility information" means information that has been obtained or derived from a credit reporting agency about your credit worthiness.

"credit information" and/or "credit related information" means personal information and includes and relates to the following:

- your personal information (as referred to above);
- your financial details, assets and liabilities, employment details and circumstances, family and other commitments, social security eligibility, default information, insurances, investment preferences and your aversion to tolerance or risk;
- information concerning prior credit applications and loans including the amount, reason, payment history, infringements and defaults (if any);
- information about any current or proposed agreements for credit you may have with other credit providers;
- information about your prior credit, payment history and circumstances including your credit eligibility, credit worthiness, any court proceedings, judgements, arrangements, bankruptcy or insolvency; and
- information and/or opinions from credit reporting agencies in relation to your prior credit history, credit worthiness and/or rating or recommendations for providing credit.

We generally only hold credit information for borrowers from the Fund, and do not normally hold any credit information for investors into the Fund.

## 2 - COLLECTION OF PERSONAL INFORMATION

We will only collect information by lawful and fair means and not in an unreasonable or intrusive way.

Personal information is generally obtained directly from you, for example, when you contact us in person, telephone us or provide written material to us. There may be instances when personal information is obtained from a third party (eg credit reporting agency or an insurer of goods that you provide for security purposes).

The personal information we request from you will depend on whether you are an investor and/or borrower from the Fund. For investors, we generally only require your personal information. It will be provided to us in accordance with the Privacy Policy and the terms outlined in the MCMF Product Disclosure Statement. For borrowers, we also require your credit eligibility information and credit and credit related information. All such Information is provided to us in accordance with this Privacy Policy and the terms as outlined in the Application for Credit.

We may also require some of your personal information and credit and credit related information from third parties including any referees you provide us with, your employer and/or any credit reporting agencies. Credit reporting agencies collect information and provide it to others such as MCMF. Such information assists us in managing credit risk, collecting debts and managing our business.

We generally do not collect sensitive information from you (eg: information concerning race, religion, political opinions, criminal record, etc) unless this is necessary to provide you with a specific product or service. If it is necessary, we will obtain your consent to provide the sensitive information for us to use and disclose in accordance with this Privacy Policy.

Our websites use cookies which allow us to identify your browser while you are using our site. Cookies do not identify you; they simply allow us to track usage patterns so that we can measure the level of interest in various areas of our site. All browsers allow you to be notified when you receive a cookie and elect to either accept it or

not, Your Internet service provider should be able to assist you to set your preferences.

When you provide us with personal information about another person (eg: referee, employer, etc) you acknowledge and represent to us that you are authorised to provide us with that information. You also represent that you have informed the other person about the use and disclosure of that personal information for the purposes set out in this Privacy Policy.

As a provider of designated services as defined in the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 the collection by us of some information to verify your identity and address is required by that Act. Without the collection of this information we may not be able to provide you with a product or service which you require.

### 3 - PURPOSE AND USE OF YOUR PERSONAL INFORMATION

We use your personal information for the purpose of providing our products and services to you and for operating and managing our business.

For investors of the Fund, we request the information for the purposes of you being able to invest in the Fund. For borrowers from the Fund, the information is required for the purpose of considering your application, us providing our products and services to you and managing our business relationship with you whilst you are a borrower from the Fund.

In general, we do not use or disclose your personal information (including credit and credit related information) for a purpose other than:

- a purpose set out in this Privacy Policy;
- a purpose you would reasonably expect;
- a purpose required or permitted by law; or
- a purpose otherwise disclosed to you to which you have consented.

When you provide us with personal and credit or credit related information:

- a. you agree that personal information about you, which may at any time be provided to us in connection with a facility for which application

is made, may be held and used by us to assess and process the application, to establish, provide and administer the facility, execute your instructions, to manage our relationship with you. and may be communicated through post and email

- b. you agree that, in assessing an application for consumer or commercial credit or, if relevant, in assessing whether to accept you as a guarantor, we may seek and obtain consumer credit information and commercial credit information about you from a credit reporting agency, or personal information from another financial institution or credit provider and may give personal information about you to another financial institution or credit provider.
- c. you also agree that we may hold and use personal information about you, which may at any time be provided to us in connection with a facility for which you make application to us, for the purpose (as relevant) of:
  - considering any other application you may make to us;
  - complying with legislative and regulatory requirements;
  - performing administrative functions, including accounting, risk management, record keeping, archiving, systems development, credit scoring and staff training;
  - providing banking and other financial services;
  - managing our rights and obligations in relation to external payment systems;
  - enabling MCMF to develop and identify products and services that may interest you; and
  - (unless you ask us not to) enabling MCMF to provide you with information about other products and services.

If the facility for which your application is made is an "account", as defined in the Financial Transaction Reports Act 1986 or Anti-Money Laundering and Counter-Terrorism Financial Act 2006, the collection by us of some information to verify your identity and address is required by

that Act. Otherwise, the collection of information about you is not required by law, but without it, we may not be able to provide you with the facility for which you apply.

Where personal information which we collect about you is sensitive information (such as information about your race, religion, political opinions, criminal record, etc), we will obtain your consent to collect your sensitive information.

#### **4 - DISCLOSURE OF PERSONAL INFORMATION**

You agree that we may collect and use personal and credit information about you from, and disclose it to, the following, as appropriate, even if the disclosure is to an organisation overseas which is not subject to privacy obligations equivalent to those which apply to us:

- credit reporting agencies and debt collecting agencies for credit worthiness, standing, capacity and history;
- other financial institutions and credit providers
- our agents, contractors and external advisers whom we engage from time to time to carry out, or advise on, our functions and activities;
- your agents and contractors, including your finance broker, legal adviser, financial adviser, builder and settlement agent;
- your executor, administrator, trustee, guardian or attorney;
- your referees, including your employer;
- regulatory bodies, government agencies, law enforcement bodies and courts;
- any person who introduces you to us;
- external payment systems operators;
- your and our insurers or prospective insurers and their underwriters;
- your guarantors and prospective guarantors;
- an organisation proposing to fund the acquisition of, or acquire, any interest in any obligation you may owe us (whether under a

loan, guarantee or security), that organisation's agents, persons involved in assessing the risks and funding of the acquisition and, after acquisition, the purchaser and any manager;

- potential purchasers for the purpose of them conducting due diligence investigations in the event that we propose to sell our business. Any such disclosure will be made in confidence and it will be a condition of that disclosure that no personal information will be used or disclosed by them. In the event that a sale of our business is effected, we may transfer your personal information to the purchaser of the business. As a customer you will be advised of any such transfer; and
- any person to the extent necessary, in our view, we are required by law to do so or in order to carry out any instruction you give to us

We do not generally disclose personal information to overseas entities in the course of our activities.

#### **5 - SENSITIVE INFORMATION**

As indicated previously, we generally do not request or require any sensitive information (eg: race, religion, political opinion, criminal record, etc).

If it is necessary to do so, we may collect sensitive Information from you. If so, we will obtain your consent to provide the sensitive information for us to use and disclose in accordance with this Policy.

#### **6 - CONSEQUENCE OF NOT PROVIDING PERSONAL INFORMATION**

If you do not provide (or consent to provide) certain personal information or credit information as referred to in this Privacy Policy we may not be able to provide you with a particular product or service. If so, we shall inform you of the reasons why and the information that may be necessary for us to be able to provide the particular product or service.



## 7 - REFUSAL OF CREDIT

We may refuse an application for credit made by you. Our refusal may be based on credit eligibility information obtained from a credit reporting agency about you and/or your associates. In that case, we will advise you that the application has been refused. We will inform you of the name and contact details of the relevant credit reporting agency and information.

## 8 - SECURITY

We take all reasonable steps to ensure that your personal information (including credit related information) held and stored by us is protected from:

- misuse, interference and loss, and
- unauthorised access, disclosure or modification.

We will take reasonable steps to protect personal information we hold about you against loss and against access, use, modification or disclosure that is unauthorised. Only authorised users can access your personal information, and access is only for approved purposes.

Your personal information may be stored in hard copy documents, as electronic data, or in MCMF's software or systems. We maintain physical security over our paper and electronic data stores and premises. We also maintain computer and network security; for example, we use firewalls (security measures for the Internet) and other security systems such as user identifiers and passwords to control access to computer systems.

Subject to the reasons for collection of your personal information, hard copy documents containing personal information will be stored for various periods. If appropriate your personal information will be removed at your request. Once your personal information is no longer required for the purpose for which it was obtained MCMF will take reasonable steps to ensure that your information is destroyed or de-identified.

MCMF will require all staff with access to your personal information to maintain confidentiality concerning that information. All employees sign confidentiality agreements as a condition of working for MCMF.

## 9 - WEBSITE PRIVACY POLICY

We have a Website Privacy Policy (refer website under Our Privacy Policies). Our Website Privacy Policy explains how we may collect, use and disclose personal information collected from our website. If you have any enquiries in relation to our Website Privacy Policy please contact us (refer to Section 16 - Privacy Policy and Further Information).

## 10 - ACCESS TO YOUR PERSONAL INFORMATION

Subject to the provisions of the Act, you may access personal information which we hold about you at any time by asking us. We will endeavour to respond to any request for access within 14-30 days depending on the complexity of the information and/or request. You may request information by calling the Director - Statutory Compliance Ph: (03) 6235 9311 (See Section 16 - Privacy Policy and Further Information) but depending on the circumstances and the complexity of your request we may require your request for access in writing. We may charge you a fee for accessing your personal information. You will be advised at the time of your application for access of the applicable fee. In some circumstances, the Act permits us to deny access. If we deny your request for access, we will let you know why.

Notwithstanding anything else in this Privacy Policy, you may, at any time, tell us that you do not wish to receive any direct marketing communication.

## 11 - ACCURACY

We take reasonable steps to make sure that the personal information (including credit and credit related information) that we collect, use or disclose is accurate, complete and up-to-date. However, if you believe your information is incorrect, incomplete or not current, you can request that we up-date this information by contacting us (refer Section 16 - Privacy Policy and Further Information).

## 12 - MARKETING

We generally do not use personal information for marketing purposes.

Our Website may have advertising or direct marketing from a Third Party Website. If so, that third party may collect personal information on how you use our Website (refer Website Privacy Policy - Information from Third Parties).

We will not use or disclose personal information about you for marketing purposes (unless you have consented).

## 13 - DATA BREACH

We will manage suspected data breaches in accordance with the requirements of Part IIIC of the Act.

If we become aware of reasonable grounds to believe that an eligible data breach may have occurred, we will assess whether an eligible data breach has occurred as soon as possible and, in any event, within Thirty (30) days.

If we determine that an eligible data breach has occurred, we will notify any affected person and the Information Commissioner in accordance with the requirements of the Act. We will take reasonable steps to contain the spread of any personal information that is subject to an eligible data breach. The steps we take will depend on the nature and extent of the eligible data breach. We will take reasonable steps to assist affected persons to mitigate any harm caused by an eligible data breach.

We will manage suspected data breaches with a high degree of caution. Unless we are completely satisfied that a data breach is unlikely to cause serious harm to affected persons, we will notify affected persons whether or not we are required to do so under the Act.

We will implement appropriate policies and procedures, including cybersecurity measures, to reduce the risk of data breaches. We will conduct regular reviews of our data breach policies and procedures to ensure that they are consistent with best practice in our industry. Following any eligible data breach, we will conduct a review of our policies and procedures and take appropriate

steps to address the cause(s) of the data breach.

Where multiple organisations are involved in an eligible data breach, we are not required to notify you if another organisation has done so. In this case, we may still notify you if we consider this necessary to assist you to mitigate harm caused by the eligible data breach

## 14 - REVIEW OF OUR PRIVACY POLICY

We review our Privacy Policy from time to time (without notice to you) and make any changes that are necessary for our business requirements and/or the law.

Our current Privacy Policy is available either on-line at our Website ([www.mcmf@murdochclarke.com.au](http://www.mcmf@murdochclarke.com.au)) or by contacting us (refer Section 16 - Privacy Policy and Further Information).

## 15 - PRIVACY COMPLAINTS

If you have a complaint or concern about the collection or use of your personal information, you should first contact the Manager, MCMF on 03 6235 9311 or call into 10 Victoria Street, Hobart. In most situations we will be able to resolve the matter at that time.

Written complaints can be forwarded to

Director – Statutory Compliance  
Murdoch Clarke Mortgage Management Limited  
10 Victoria Street  
HOBART TASMANIA 7000

You can also email your complaint or concern to [info@mcmf.com.au](mailto:info@mcmf.com.au).

Should you remain unhappy with our final decision, MCMF is a member of the Australian Financial Complaints Authority (AFCA), an external dispute resolution scheme approved by the Australian Securities and Investments Commission. AFCA is an independent organisation offering free and accessible dispute resolution services to financial services consumers across Australia.

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The Australian Financial Complaints Authority can be contacted by:

**Telephone: 1800 931 678**

**Fax: 03 9613 6399**

**Post: GPO Box 3 Melbourne VIC 3001**

**Email: [info@afca.org.au](mailto:info@afca.org.au)**

**Website: [www.afca.org.au](http://www.afca.org.au)**

Alternatively, if you have a complaint or concern about the collection or use of your personal information or a breach of privacy and we are unable to resolve your dispute, the matter can be referred to the Office of the Australian Information Commissioner who may investigate your complaint further. They can be contacted on 1300 363 992 or at: GPO Box 5218 Sydney NSW 2001.

The Australian Securities and Investment Commission (ASIC) also has a freeline Infoline 1300 300 630, which you may use to make a complaint and obtain information about your rights. Alternatively, you can detail your complaint in an email to [infoasic.gov.au](mailto:infoasic.gov.au)

## **16 - PRIVACY POLICY AND FURTHER INFORMATION**

If you wish to obtain a copy of the MCMF Privacy Policy or have a query relating to our privacy practices please contact us by:

- phone on 1800 00 62 63 during business hours Monday to Friday
- email at [info@mcmf.com.au](mailto:info@mcmf.com.au)
- writing to the address below:

**Director – Statutory Compliance  
Murdoch Clarke Mortgage Management Limited  
10 Victoria Street  
HOBART TASMANIA 7000  
Effective from 28 June 2024**



