



## Privacy Policy

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Swell Asset Management Pty Ltd

ACN: 168 141 204

CAR: 465285

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This document has been prepared and approved by Swell Asset Management Pty Limited ABN 16 168 141 204 CAR No. 465285 an authorised representative of Hughes Funds Management Pty Limited ABN 42 167 950 236 AFSL 460572.

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## 1 : Purpose and scope

Hughes Funds Management (Hughes) and Swell Asset Management (Swell) are committed to protecting investors privacy and safeguarding their personal information. This Privacy Policy explains how personal information is managed and protected, including:

- What personal information is collected
- How personal information is used
- How personal information is stored and secured
- When personal information can be disclosed to others
- How an individual may access or correct their personal information
- How individuals can complain if they have concerns about how their personal information is being managed by Swell

## 1 : Person responsible

The Operations Manager is responsible for the duties under this policy. The duties include assessing the policies, procedures and practices of collecting personal information to ensure they meet the standards required in the Privacy Act 1988 (Cth) and the Australian Privacy Principles developed by the Office of the Australian Information Commissioner.

## 2 : Australian Privacy Act 1988

The Privacy Act covers Australian government agencies and organisations with an annual turnover of more than \$3 million, identified as entities in the privacy principles. As a small business Swell is not obliged to comply with the Act, however it does form the foundation of this policy document.

## 3 : Australian privacy principles

Principle	Title	Purpose
1	Open and transparent management of personal information	Ensures entities manage personal information in an open and transparent way including having a clearly expressed and up to date privacy policy
2	Anonymity and pseudonymity	Requires entities to give individuals the option of not identifying themselves, or of using a pseudonym; limited exceptions apply
3	Collection of solicited personal information	Outlines when an entity can collect solicited personal information, applying higher standards to the collection of sensitive information
4	Dealing with unsolicited personal information	Outlines how entities must deal with unsolicited personal information
5	Notification of the collection of personal information	Outlines when and in what circumstances an entity that collects personal information must tell an individual about certain matters
6	Use or disclosure of personal information	Outlines the circumstances in which an entity may use or disclose personal information it holds
7	Direct marketing	An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met
8	Cross-border disclosure of personal information	Outlines the steps an entity must take to protect personal information before it is disclosed overseas



9	Adoption, use or disclosure of government related identifiers	Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual
10	Quality of personal information	An entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete and must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure
11	Security of personal information	An entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure, including obligations to destroy or de-identify personal information in certain circumstances
12	Access to personal information	Outlines an entity's obligations when an individual requests to be given access to personal information held about them by the entity including a requirement to provide access unless a specific exception applies
13	Correction of personal information	Outlines an entity's obligations in relation to correcting the personal information it holds about individuals

<https://www.oaic.gov.au/privacy/australian-privacy-principles/australian-privacy-principles-quick-reference/>

## 4 : Collecting personal information

Personal information is information from which a person can be reasonably identified. The personal information which may be collected will depend on the circumstances, including whether the person is a client, supplier, contractor, stakeholder or job applicant, or in some other capacity.

Swell collects personal information to be able to provide financial products to investors, to pay employees, suppliers and contractors, and to assess candidates for jobs. Taxation and superannuation laws govern payments to individuals and suppliers while the Anti-Money Laundering and Counter-Terrorism Financing Act obliges Swell to formally identify investors and employees.

The personal information may include name, address, date and place of birth, mobile phone number, email address, citizenship, tax file number, current employer, employment history, bank account information. It may be sourced from original documents, certified copies of original documents, from third parties or from Swell's website.

Email tracking, cookies and other data collection methods are used to collect information on website activity such as the number of visitors, the number of pages viewed and the number of responses to email, links and advertisements. This information is collected to analyse and improve Swell's website and campaigns and to record statistics on website traffic. The information collected in these ways is not used to personally identify individuals.

## 5 : Using personal information

Third parties administer client accounts and provide custodial and brokerage services for Swell's financial products. The administrator of the Swell Global Portfolio is Mason Stevens Limited. Swell is obliged to disclose investors' personal information to Mason Stevens to comply with its policies when establishing new accounts. Mason Stevens is bound by and acts in accordance with the Privacy Act 1988 (Cth) and the Australian Privacy Principles set out in that Act. Investors can find its privacy policy here:

<https://www.masonstevens.com.au/privacy-policy/>

The administrator of the Swell Global Fund is Mainstream Group Services (Apex Group). Swell is obliged to disclose investors' personal information to Mainstream to comply with its policies when establishing new accounts. Mainstream Group Services is bound by and acts in accordance with the Privacy Act 1988 (Cth) and the Australian Privacy Principles set out in that Act. Investors can find its privacy policy here:



<https://www.mainstreamgroup.com/privacy-notice/>

Swell may use investors’ personal information to forward information relating to their Portfolio investment and to provide them with information, of a generic or marketing nature, relating to the Portfolio or another of Swell’s products or services. Investors may opt out of receiving this material at any time.

Swell may disclose personal information internally to employees responsible for establishing new accounts with administrators. It may also be required to disclose personal information to other parties including government or regulatory agencies, auditors, consultants, solicitors, custodians and brokers, registry and platform providers, insurance providers, other professional service providers and IT service providers in the course of complying with legislative and regulatory obligations.

With the authorisation of an investor, Swell may disclose that investor’s personal information to a nominated person within an organisation such as an advisory or accounting firm or to another person nominated by them.

## 6 : Storing and protecting personal information

Personal information is held digitally in Swell’s secure database and also as paper documents in key-locked filing drawers. Administrators maintain digital records in secure databases. All reasonable steps are taken to protect personal information from loss and unauthorised access, destruction, use, modification or disclosure.

Access to personal information held by Swell is restricted to authorised employees using two factor authentication. A range of security measures such as firewalls and intrusion detection technology is used to prevent unauthorised access to personal information.

Under Australian regulations, Swell is required to retain personal information for at least seven years. When no longer required, physical identification documents are professionally shredded and digital documents destroyed or archived in a secure manner.

## 7 : Accessing personal information

Individuals can request access to their personal information at any time by contacting Swell. If their personal information changes or the information held is inaccurate, out of date, incomplete or irrelevant they can request that it is changed or updated. Change of information requests must be presented on approved forms together with certified supporting documents to enable Swell to authenticate the individual and the updated information. Swell will take all reasonable steps to ensure it is updated promptly.

## 8 : Complaints

Questions or complaints about this policy or our handling of personal information should be directed to:

Telephone	+61 7 5551 0299	Office	Level 10 Corporate Centre One 2 Corporate Court Bundall QLD 4217
Email	complaints@swellasset.com.au	Mail	PO Box 715 Southport BC QLD 4215
Website	www.swellasset.com.au		

## 9 : Reporting

The Operations Manager maintains a register of privacy breaches which is reviewed by the board quarterly.