

# PRIVACY POLICY

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## Regal Funds Management Pty Limited

### Our commitment to privacy

The privacy of your personal information is important to Regal. We are committed to maintaining the privacy and confidentiality of your personal information.

When you trust Regal with your personal information, we protect this information by applying the Australian Privacy Principles contained in the Privacy Act 1988 (Cth) (the “**Privacy Act**”). The Australian Privacy Principles set out applicable standards, rights and obligations in relation to handling, holding, accessing and correcting your personal information.

This privacy policy summarises the ways we protect your privacy and how we comply with the Australian Privacy Principles. It contains information on the kinds of personal information we collect, how we maintain, use and disclose it and how you can access and correct any personal information we hold.

When this document refers to **we** or **us** we mean Regal and its associated companies.

If you are an investor, when you apply for one of our products or services, you consent to us collecting, maintaining, using and disclosing personal information (including disclosure overseas) in accordance with the terms of your subscription agreement, the relevant fund disclosure documents and this privacy policy.

### How to contact us

You can contact us about this policy or our products and services by:

- calling us on +61 2 8197 4333
- e-mailing us at [info@regalfm.com](mailto:info@regalfm.com)
- writing to us at Regal Level 47, Gateway, 1 Macquarie Place, Sydney NSW 2000;
- faxing us on +61 2 8197 4334

If practical, you can contact us without identifying yourself. However, if you don't identify yourself, we may not be able to give you the information and services you would otherwise receive.

### The kinds of personal information Regal collects and holds

We will only request personal information which is reasonably necessary for our functions or activities. The Australian Government's anti-money laundering laws may also mandate us to collect additional personal information from you.

The type of personal information Regal collects from you may include:

- information that identifies you, like:
  - your name, address, and other contact details
  - your date of birth
- your source of funds
- investment information
- the nature of your business
- identity information such as your passport details
- if you are an entity such as a corporation or trust, your governing documents and details related to certain of your direct and indirect members and authorised signatories
- your income, net assets or other relevant information related to your status as a wholesale investor

- your country of residence
- information relating to your status as a US investor
- your tax file number
- your bank account details

Generally, we will not collect sensitive information about you (this includes information about your religious views, ethnicity, political opinions, membership of a political association, criminal records, membership of a professional or trade association and membership of a trade union). However, we may collect some sensitive information if you are applying for a job with us **and** you have provided your consent for us to do so, or in appropriate circumstances authorised under the Australian Privacy Principles, such as in relation to suspected unlawful activity.

If you provide us with information which we did not solicit, we will make a determination as to whether we were entitled to collect the information (for example, we will determine whether the information is reasonably necessary for our functions or activities). If we determine that we would not have been entitled to collect the information, we will destroy the information or ensure that the information is de-identified.

## How Regal collects and holds your personal information

If it's reasonable and practicable to do so, we collect personal information directly from you. We primarily collect this information through our standard forms (for example, fund subscription forms if you are an investor) or information you provide when you phone, email, fax us or contact our staff.

We may also need to collect personal information from other people if it is unreasonable or impracticable to collect it directly from you or you consent, provided we collect this information by lawful and fair means. Sometimes this may happen without your direct involvement. Some examples of the people or organisations from which we may collect personal information about you are:

- publicly available sources of information (such as telephone directories)
- your representatives (such as an accountant or legal adviser)
- Government agencies (such as ASIC)

We usually store information electronically, and take reasonable steps to hold and store your personal information in such a way as to protect it from loss and unauthorised access, destruction, use, modification or disclosure.

So that we can better tailor information and products to your needs, when we send you email messages, we may use technology to identify you so that we can know when you have opened the email or clicked on a particular link in the email.

## The purposes for which Regal collects your personal information

We will tell you the main reason for asking for your personal information when we seek it from you.

If you are an investor, any personal information provided to us when you invest, or at any other time in relation to your investment, will be used to administer and report on your investment, and for purposes related to that. We generally collect your personal information for the following purposes:

- to administer our investor and potential investor relationships;
- to make, maintain and manage investments for an investor including in any Regal fund from time to time;
- to provide information to the administrator and custodian of a Regal fund;
- to comply with our legal obligations, for example:
  - legislation such as the Anti-Money Laundering and Counter-Terrorism Financing Act AML/CTF Act) may require us to ask you for information to check your identity (e.g. by referring to your driver's licence, birth certificate or passport) or monitor your use of a financial product; or

This policy is current as at February 2014. From time to time, we may make changes to our policy or policies, processes and systems in relation to how we handle your personal information. We will update this policy to reflect any changes.

- our financial services license may require us to certify your status as a wholesale investor before we can provide you with a financial product or financial product advice; or
- legislation such as the Foreign Account Tax Compliance Act of 2010 (FATCA) United States (U.S.) tax legislation (or any related local Australian legislation) which requires us to identify US taxpayers and seek information on any US indicia which may be relevant to you.

We may also use personal information for other purposes such as:

- assisting our investors and potential investors with queries
- in conducting reviews or audits of our processes and systems
- telling you about products or services that we think may interest you (unless you tell us not to – which you can do at any time)
- preventing fraud and other criminal activity in relation to your accounts and investments
- helping us to run our business. This will include using information for training our staff, accounting, risk management, record keeping, archiving, systems development and testing

If you don't provide some personal information, we may not be able to provide you with the financial product you have applied for, or may be required to cease providing you with a financial product.

## Access to your personal information

You can request access to your personal information by writing to us (refer to our contact details above). We will ask you to verify your identity prior to giving you access to your personal information and will provide you with the personal information within a reasonable period in the manner requested, if it is reasonable and practicable to do so.

You can also ask for any corrections to be made.

This service is free unless the personal information you request requires research or preparation time. Before we act on your requests, we will give you an estimate of how much this service will cost and ask you to agree before proceeding.

Access to your personal information is subject to some exceptions allowed by law. For instance, we may not be able to give you access to information if:

- giving access would have an unreasonable impact on the privacy of other individuals;
- it would reveal our intentions in relation to negotiations with you in such a way as to prejudice those negotiations;
- it would reveal evaluative information generated within Regal in connection with a commercially sensitive decision making process;
- denying access is required or authorised by law; or
- relates to existing or anticipated legal proceedings and would not be accessible by the process of discovery in those proceedings.

If we deny access to your personal information, we will let you know why in writing.

## Accuracy of your personal information

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

Please contact us (refer to the contact details above) if any details you have provided change or if you believe the information we have about you is not accurate, complete or up to date.

## Disclosure of your personal information to others

As part of administering and managing your investments we may disclose the personal information we collect to other associated Regal companies or organisations outside Regal which help us with our business, or regulatory or tax authorities. Some of these organisations are located outside Australia.

For example:

- outsourced service providers such as the fund administrator (including its affiliates in Hong Kong or other countries), or Regal Funds Management Asia Pte Limited in Singapore;
- regulatory or tax authorities where we are required to disclose the information under law; or
- your representative (for example lawyer, mortgage broker, financial adviser, executor, administrator, trustee, or attorney).

From time to time we may also use and disclose personal information when seeking expert help to improve our processes, systems, products and services. These third parties and organisations are or will be bound by confidentiality agreements when handling your personal information.

We will only disclose your personal information for the particular purpose for which it was collected, unless:

- you have consented to the disclosure;
- if you would reasonably expect us to use or disclose the information for a secondary related purpose;
- if required or authorised by Australian law for example to a court, ASIC or the Australian Taxation Office or the police; or
- an exception applies under the Australian Privacy Principles, such as in relation to suspected unlawful activity.

## Disclosure of your personal information to overseas recipients

As noted above, we may disclose your personal information to an overseas recipients such as the fund administrator or its affiliates in Hong Kong or other countries<sup>1</sup>, other service providers and regulatory or tax authorities. Personal information disclosed to these overseas recipients may not receive the level of protection afforded under Australian law.

We will seek your consent for such overseas disclosures. We may require you to consent in writing (such as in our subscription agreements) or assume you have consented if you fail to exercise your option to withhold your consent, such that it can be reasonably inferred from the circumstances and your conduct that you consent to your personal information being disclosed (**implied consent**). If you provide your consent, you acknowledge that Regal may not be taking any steps to ensure that the information will be dealt with by the overseas entity in accordance with the Australian Privacy Principles, and that Regal will not be accountable under the Privacy Act for such disclosure and you will not be able to seek redress pursuant to the Privacy Act.

## Using your personal information to market products and services to you

We may use your personal information to offer you products and services we believe may interest you, but we will only do so where you would reasonably expect your personal information to be used for the purposes of marketing. We will not do so if you tell us not to.

We won't sell your personal information to organisations outside Regal.

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<sup>1</sup> HSBC will disclose Information to overseas recipients, including members of the HSBC Group operating overseas. A list of the overseas countries in which members of the HSBC Group operate can be found at [www.hsbc.com.au](http://www.hsbc.com.au). Investors should refer to the administrator's statement attached to the subscription agreement for their fund, for details in relation to the disclosure of personal information overseas by the administrator.

This policy is current as at February 2014. From time to time, we may make changes to our policy or policies, processes and systems in relation to how we handle your personal information. We will update this policy to reflect any changes.

If you don't want to receive marketing communication from Regal about Regal's financial products and services, please contact us (refer to the contact details above).

## How we keep your personal information secure

We will use up-to-date techniques and processes, which meet current industry standards, to protect your personal information from misuse, interference and loss, unauthorised access, modification or disclosure.

The only people who are allowed to handle or have access to your personal information are those employees of Regal and those who perform services for us who need your personal information to do their jobs. All employees of Regal are bound both by the Regal Privacy Policies and the Regal Code of Conduct and by confidentiality clauses in their employment agreements to not misuse your personal information. Those who perform services on our behalf are also bound by privacy and confidentiality agreements.

Paper documents are protected from unauthorised access or use through the various security systems that we or our service providers have over our physical premises. We also maintain up-to-date computer and network security systems with appropriate firewalls, encryption technology and passwords to protect electronic copies of personal information.

## How to make a complaint

All complaints will be attended to promptly. We will fairly and thoroughly investigate all complaints and will resolve all complaints within a reasonable time. We have put in place a way of dealing with issues you might raise quickly and fairly.

Please contact us with any issue or complaint by using the contact details below.

### Contact details

- Telephone: +61 2 8197 4333
- e-mail: [info@regalfm.com](mailto:info@regalfm.com)
- mail: Level 47, Gateway, 1 Macquarie Place, Sydney NSW 2000;
- fax: +61 2 8197 4334

If you are still unhappy, you can go to the Office of the Australian Information Commissioner (OAIC). The Commissioner can be contacted on the privacy hotline: **1300 363 992** or by email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).