

## Privacy Statement

The privacy of your personal information is important to K2 Asset Management Ltd ('K2'). We are committed to maintaining the privacy and confidentiality of your personal information.

This Policy outlines K2's obligations to manage and protect personal information. K2 is bound by the Australian Privacy Principles ('APPs') and the *Privacy Act 1988* (Cth) ('Privacy Act'). This Policy also outlines a number of K2's practices, procedures and systems that ensure compliance with the Privacy Act and the APPs.

### Collection of Personal Information

#### ***What is personal information?***

Under the Privacy Act personal information is defined as information or an opinion, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. It includes your name, age, gender, contact details and financial information.

#### ***What is sensitive information?***

Sensitive information is personal information that includes information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, sexual preferences and criminal record, and also includes health information. We do not collect sensitive information without your consent, or the collection is authorised or required by law.

#### ***How do we collect information?***

We generally collect personal information directly from you, for example, when you apply to invest in one of our funds, visit our website, or send us correspondence. If we are provided with personal information from a third party, we will take reasonable steps to ensure that you are notified of the matters set out in our Privacy Policy.

If the personal information we request is not provided, we may not be able to approve your application for units within the K2 funds, or provide you with the full benefit of our services.

#### ***Why we collect information***

We collect personal information so that we may:

- administer our investor and potential investor relationships;
- make, maintain and manage investments for an investor including in any K2 fund from time to time;

- maintain the register of unitholders, facilitate distribution payments and unitholder communications;
- provide information to the responsible entity and the administrator and custodian of a K2 fund or of your investment; and
- unless the investor or potential investor informs us otherwise, provide information on our products and services including future products and services we may offer.

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

- assisting our investors and potential investors with queries;
- conducting reviews or audits of our processes and systems;
- performing management and administration tasks;
- dealing with complaints or legal actions involving K2;
- complying with relevant laws and regulations, including the *Corporations Act 2001* and *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*; and
- taking measures to detect and prevent frauds.

#### ***What personal information we collect***

We collect personal information on investors and potential investors through application and other forms, phone, fax and email. The personal information collected includes:

- Name, gender, marital status and date of birth
- Contact details
- Identification/ passport details
- Tax file number, or exemption reason
- Nationality or country of residence
- Bank account information
- Investment information
- Other information that is relevant to the services that we provide.

### **Dealing with Personal Information**

#### ***How we deal with personal information***

We collect, hold, use and disclose personal information for the purposes listed above in "*Why we collect information*", and in other circumstances authorised by the Privacy Act. If we collect sensitive information about you, we will take reasonable steps to de-identify the information where possible. We will also take reasonable steps to delete personal information about you when the information is no longer needed or required to be kept by law.

K2 may receive unsolicited personal information. We destroy or de-identify all this information, unless K2 could have collected the information for one of the purposes set out above.

You cannot deal with K2 anonymously, or under a pseudonym. This is because it is impractical, and in some cases illegal, for K2 to deal with people who are not identified.

### ***Disclosure to overseas recipients***

As part of administering and managing your investments we are likely to disclose personal information to organisations, such as prime brokers, custodians, administrators and unit registries (including for the purposes of anti-money laundering requirements and processes), which are located overseas. These organisations have offices located in the United Kingdom, Poland, India, Canada, Singapore, the Netherlands and the United States of America, but may disclose your personal information to other entities in the course of providing services to K2. K2 has no means of knowing all the countries in which these other entities are located.

We will not send personal information to organisations outside of Australia unless:

- we have taken reasonable steps to ensure that the recipient does not breach the Privacy Act, or the APPs;
- the recipient is subject to a privacy scheme similar to the Privacy Act; or
- you have consented to the disclosure.

By providing your personal information to us, you consent to us disclosing your personal information to any such overseas recipients for purposes necessary or useful in the course of operating our business, and agree that APP 8.1 will not apply to such disclosures. For the avoidance of doubt, in the event that an overseas recipient breaches the APPs, that entity will not be bound by, and you will not be able to seek redress under, the Privacy Act.

If you do not want us to disclose your information to overseas recipients, please let us know.

### ***Disclosure to consultants and advisors***

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. ***Disclosure to Financial Adviser, Authorised Representative and other representatives or agents***

Details of your investments may be provided to your current financial adviser or authorised representative if you:

- used a financial adviser who recommended your investment in a K2 fund; or
- nominated an authorised representative (as indicated on your application form) to act on your behalf.

Where you have provided your consent, we may also provide personal information to your representatives or agents including your legal advisers and accountant.

#### ***Disclosure required by law***

We may be authorised or obliged to disclose information by law for example, when we are served with a court order. We may also be required by an enforcement body, a government agency or regulator to produce information and records, for example, pursuant to taxation or social security laws.

#### ***Disclosure to other recipients***

We may need to disclose information to other recipients in order to provide our services to you, including:

- a related entity of K2 or a delegate of K2, including OneVue Fund Services Pty Ltd;
- an agent, contractor or service provider we engage to carry out our functions and activities, such as our lawyers, accountants, debt collectors or other advisors;
- organisations involved in a transfer or sale of all or part of our assets or business;
- organisations involved in managing our payments, payment merchants and other financial institutions such as banks; and
- anyone else to whom you authorise us to disclose information.

#### ***Direct marketing***

K2 does not use personal information for the purposes of direct marketing, unless:

- the personal information does not include sensitive information;
- you would reasonably expect us to use or disclose the information for the purpose of direct marketing;
- we provide a simple way of opting out of direct marketing; and
- you have not requested to opt out of receiving direct marketing from us.

If you would not reasonably expect us to use or disclose the information for the purpose of direct marketing, we may only do so if you have consented, or it is impracticable to obtain your consent. K2 may only use or disclose sensitive information about you for the purpose of direct marketing if you consent to the use or disclosure of the information for that purpose.

You have the right to request to opt out of direct marketing and we must give effect to the request within a reasonable period of time. You may also ask for the source of the information. We will notify you of the source of the information free of charge within a reasonable period of time.

### ***Use of Government identifiers***

We will not use identifiers assigned by the Government, such as a tax file number, Medicare number or passport number, for our own file recording purposes, unless one of the exemptions in the Privacy Act applies.

### ***Accuracy of your personal information***

We aim to ensure that the personal information we keep about you is accurate, complete and up-to-date. Please contact us (see *"Our details and contacting us on privacy"* below), if any details you have provided change or if you believe that the information we have about you is not accurate, complete or up to date.

If we correct information that has previously been disclosed to another entity, we will notify the other entity of the correction. Where we are satisfied information is inaccurate, we will take steps to correct the information within a reasonable time. We will not charge you for correcting the information.

### ***Security of your personal information***

We are committed to keeping secure the personal information you provide to us. Our security measures include but are not limited to:

- restricting access to our computer systems and physical records to authorised persons;
- requiring employees to use unique passwords to gain access to systems; and
- providing secure storage for physical records.

### ***Access to your personal information***

You can request us to provide you with access to the personal information we hold about you by writing to us (see *"Our details and contacting us on privacy"* below). We will respond to your request as soon as possible and there is no charge to make a request or to access your personal information.

Access to your personal information is subject to some exceptions allowed by law. Factors affecting a right to access include:

- access would have an unreasonable impact on the privacy of others;
- the information relates to a commercially sensitive decision making process;
- access would be unlawful;
- access would prejudice enforcement activities relating to criminal activities and other breaches of law, public revenue, a security function or negotiations with you;
- legal or dispute resolution proceedings; or
- denying access is required or authorised by law.

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

### ***Jointly held information***

Where we hold your personal information in conjunction with that of another person (eg. where you jointly conduct or hold an account), we will allow each individual access to their own personal information and to the joint information (eg. account balances and transaction details) but not to the personal information of the other individual(s).

### ***Changes to how we manage privacy and personal information***

We may change the way we manage privacy and personal information and this Privacy Policy from time to time for any reason. We may publish those changes and any updated privacy policy on our website.

### ***Privacy training and compliance***

All new employees are provided a copy of this privacy policy. All employees are reminded of K2's obligations under the Privacy Act and the APPs during ongoing training sessions. Employees must ensure that they understand the privacy issues that could adversely affect K2 and its clients.

Privacy breaches must be reported to management by employees and relevant third parties. Employees and relevant third parties that do not comply with K2's Privacy Policy may be subject to disciplinary action.

### ***Complaints***

You can lodge a complaint with K2 about the treatment or handling of your personal information by contacting the Client Relations Manager. If you are not satisfied with the result of your complaint you can also refer your complaint to the Office of the Australian Information Commissioner.

You can contact the Office of the Australian Information Commissioner:

- by telephoning - 1300 363 992

- by writing to - Director of Complaints, Office of the Australian Information Commissioner, GPO Box 5218, SYDNEY NSW 2001

- by emailing - [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

### ***Our details and contacting us on privacy***

If you have any questions, complaints about our privacy and information handling practices or would like further information on our privacy and information handling practices, you can contact us:

*By Mail:* Client Relations Manager  
  
K2 Asset Management Ltd  
  
Level 32, 101 Collins Street  
  
Melbourne VIC 3000

*By Telephone:* Client Relations Manager on (03) 9691 6111 (9am to 5pm Monday to Friday)

*By Fax:* Client Relations Manager on (03) 9691 6170

*By Email:* [information@k2am.com.au](mailto:information@k2am.com.au)

For more information about privacy in general, you can visit the Office of the Australian Information Commissioner website [www.oaic.gov.au](http://www.oaic.gov.au).

### **DISCLAIMER**

The information on this website is produced by K2 in good faith, but does not constitute any representation or offer by K2. It is subject to change without notice, and is intended as general information only and is not complete or definitive. K2 does not accept any responsibility, and disclaims any liability whatsoever for loss caused to any party by reliance on the information on this website.

The directors and staff of K2 hold units in the K2 Funds. Please note that past performance is not a reliable indicator of future performance.



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