

Privacy Policy

Eildon Capital Group

1 OUR COMMITMENT TO PRIVACY

The Eildon Capital Group (**Group** or **we**) consists of Eildon Capital Limited ACN 059 092 198 (**Company**) and Eildon Capital Trust ARSN 635 077 753 (**Trust**). Eildon Funds Management Limited ACN 066 092 028 (**Manager**) is the responsible entity for the Trust.

The Group respects and is committed to protecting your privacy and the privacy of Personal Information provided to us.

We comply with the relevant Australian Privacy Principles (**APPs**) set out in the *Privacy Act 1988* (Cth) (**Act**). The APPs regulate the collection, use, management and disclosure of Personal Information and how you may access and correct Personal Information that the Group holds about you.

The purpose of this privacy policy (**Policy**) is to explain:

- (a) the kinds of information that we may collect about you and how that information is held;
- (b) the purposes for which we collect, hold, use and disclose Personal Information;
- (c) how you can access Personal Information we hold about you and seek to correct such information; and
- (d) what you can do if you have a complaint about our management of your Personal Information.

We may from time to time update this Policy on our website. You should review this Policy periodically so you are aware of any changes.

2 DEFINITIONS

In this Policy:

- (a) **“Personal Information”** means information or an opinion about an identified individual, or an individual who is reasonably identifiable:
 - (i) whether the information or opinion is true or not; and
 - (ii) whether the information or opinion is recorded in a material form or not.
- (b) **“Primary Purpose”** means the specific function or activity for which the information is collected. Any use or disclosure of the Personal Information for another purpose is a **Secondary Purpose**. Examples of Secondary Purposes are set out in Section 4.

3 WHAT KIND OF PERSONAL INFORMATION DO WE COLLECT AND HOW DO WE COLLECT IT?

3.1 Who do we collect information from?

This Policy applies to the Group’s collection from, and use of Personal Information provided by the following (including, without limitation, individuals acting on behalf of the following):

- (a) customers and investors;
- (b) financial institutions;
- (c) credit agencies;
- (d) persons making inquiries with us;
- (e) prospective employees;
- (f) counterparties to our commercial transactions;
- (g) stapled securityholders;
- (h) employees, contractors, suppliers and service-providers engaged by the Group; and
- (i) other individuals engaged by or who provide goods or services to the Group.

In order for us to provide our services, we may need to collect and use your Personal Information. If you provide incomplete or inaccurate information to us or withhold Personal Information from us, we may not be able to engage with you as required to provide our services.

3.2 Type of information we collect

The Group consists of diversified investment companies in Australia across a diverse range of asset categories including listed, unlisted, property and funds management. The kind of information which we collect from you will depend on the type of relationship that we have with you.

We collect Personal Information which enables us to carry out our functions and activities, assess your credit worthiness, process transactions and provide our services. The type of Personal Information which we may collect includes your contact details (for example, your name, address, phone number, email address, fax number, date of birth, gender, signature, passport number and driver's licence number), professional and business details and bank account details.

3.3 Employees

We collect Personal Information from you that is reasonably necessary to engage with you for the Primary Purpose. The Personal Information we collect may include the following:

- (a) educational details, including academic and other transcripts;
- (b) occupation or job title; and
- (c) employment history, skills and background checks (including personal information contained in curricula vitae).

3.4 Other individuals

We collect Personal Information from you that is reasonably necessary to engage with you for the relevant Primary Purpose.

3.5 Tax File Numbers (TFN)

We may also collect TFNs from our stapled securityholders for the purposes of sharing those with the Australian Taxation Office to allow your distributions to be taxed at the correct rate (as authorised under sections 202D and 202DB of the *Income Tax Assessment Act 1936* (Cth)). You are not required to provide us with your tax file number however not giving us your TFN may result in you paying tax on your relevant distribution

at the highest marginal rate. We comply with *Privacy (Tax File Number) Rule 2015* in managing your TFN.

3.6 How we collect your information

We will usually collect your Personal Information directly from you or your authorised representative, and will collect that information in a variety of ways. This is done when we make a record of the Personal Information that is provided to us when you or your representative:

- (a) visit one of our websites;
- (b) fill out a hard copy or digital form;
- (c) give information to our representatives;
- (d) provide a testimonial or survey response;
- (e) engage us to provide you with services;
- (f) provide goods or services to us;
- (g) communicate with us (including email and telephone) for security, dispute resolution and training purposes and when we operate video and audio surveillance devices in our premises;
- (h) make a complaint or legal/liability claims against us;
- (i) sign documents on behalf of your employer, or an entity to whom you provide services, being an entity or person who is one of our suppliers or customers; and/or
- (j) contact us by telephone, mail, email, online or by any digital form or social media.

3.7 Information from third parties

Sometimes we may also collect Personal Information from third parties. We will only do this where:

- (a) we have your consent;
- (b) such a collection is reasonably necessary to enable us to provide you with our services or is reasonably necessary to enable us to manage our business; or
- (c) such a collection is authorised by law.

If you access our website, we may collect Personal Information about you in the form of your IP address and domain name using cookies. For more information about the use of cookies, please see section 7 below.

3.8 Employees

The Group will usually collect your Personal Information directly from you. For example, the Group may collect your Personal Information from your job application, curricula vitae and any forms completed by you in the course of your employment or application. Sometimes we may need to collect information about you from a third party, however, we will only do this where it is not reasonable or practical for us to collect this information directly from you.

4 WHAT DO WE USE OR DISCLOSE YOUR PERSONAL INFORMATION FOR?

4.1 How we hold your Personal Information

The Group may hold the Personal Information we collect from you in various forms, including:

- (a) physical (paper) form;
- (b) storage through an electronic record system; and
- (c) data management software or systems in accordance with usual business practices.

4.2 Primary Purpose

We will only use your Personal Information for the purpose for which we collected it (**Primary Purpose**) unless:

- (a) we have your consent;
- (b) there is a Secondary Purpose and that Secondary Purpose is reasonably necessary or related to the Primary Purpose and you would reasonably expect, or we have informed you, that your information will be used for that Secondary Purpose; or
- (c) we are required by law to use or disclose your Personal Information.

For example, the Primary Purpose for which we may use your information includes to:

- (aa) confirm your identity, contact you, collect money from you or pay you;
- (bb) administer our dealings and potential dealings with you;
- (cc) provide customer support;
- (dd) respond to requests from persons making enquires with us;
- (ee) enable stapled securityholders' holdings to be maintained and administered efficiently and to enable the company to comply with its legal and regulatory obligations, including for example, to distribute financial results, annual reports and other corporate communications to stapled securityholders and to distribute dividend payments to stapled securityholders;
- (ff) to keep our stapled security register up to date and any other purpose required or authorised by law;
- (gg) enable us to fulfil our contractual obligations with our contractors;
- (hh) assess your suitability to work with us;
- (ii) comply with our legal obligations;
- (jj) enable us to manage our internal business affairs, for example, quality assurance, risk management, billing and administrative purposes; and
- (kk) communicate with you and update you on our activities and operations.

4.3 Other uses

In order to provide you with the best possible service, we may also use your Personal Information where necessary for one or more Secondary Purposes, that is, for use in a

way different from the Primary Purpose for collection set out above. We will only do this in one of the following circumstances:

- (a) where you have consented;
- (b) where the Secondary Purpose is directly related to the Primary Purpose, and you would reasonably expect us to use or disclose the information in such a way;
- (c) you would reasonably expect, or have been told (for example, by means of this Policy), that your information will be used for the Secondary Purpose;
- (d) where we are permitted or required by law; or
- (e) it is in the interests of public safety to do so.

Such Secondary Purposes may include:

- (aa) activities such as quality assurance processes, accreditation, audits, risk and claims management, and staff education and training;
- (bb) invoicing, billing, payment and account management, including storage of provider details on Group billing software;
- (cc) liaising with your financial institution where required;
- (dd) complying with applicable laws, for example in response to a subpoena or compulsory reporting to State or Federal authorities;
- (ee) sending you standard reminders; and
- (ff) we may anonymise or aggregate the Personal Information that we collect for the purpose of carrying out customer, service, and other business analytics.

4.4 Disclosure of information

We will confine the disclosure of your Personal Information to the Primary Purpose for which that information has been collected, or for a related Secondary Purpose. This includes when disclosure is necessary to provide services to you, assist us in running our organisation, or for legal reasons.

We may provide your information to:

- (a) regulatory bodies, for example the Australian Securities and Investments Commission;
- (b) our related entities as listed in the schedule below;
- (c) our stapled security registry, Computershare Investor Services Pty Limited;
- (d) third parties contracted to provide services to us, such as delivery providers and email marketing organisations;
- (e) other service providers such as printers and mailing houses in connection with managing our services and internal business affairs;
- (f) any other person or organisation if it is otherwise permitted or required by the Act or any other law or you authorise us to do so; and/or
- (g) one or more third parties in the event that we go through a business transition, such as a merger, being acquired by another company, or selling all or part of our business or assets.

The Group reserves the right to disclose and/or transfer Personal Information to a third party in the event of a proposed acquisition, initial public offering or other form of capital raising, disposal of financing of all or any portion of the business assets, or a division thereof, in order for you to continue to receive the same products and services from the third party.

5 WHY YOU MAY HAVE RECEIVED ONE OF OUR PUBLICATIONS & DIRECT MARKETING

We will use your Personal Information in direct marketing, however will only do so where we have your consent.

When you register with us you will be given the option to opt out of subscribing to our regular update service which will send you email and direct mail alerts in relation to events of interest, one-off marketing promotions and details of investment opportunities. Such alerts may include marketing information about products and services offered by us or our selected business partners or related entities.

Any marketing communications you subscribe to will only be sent by us. At all times, we will offer you the opportunity to unsubscribe from any service or update. You can opt out of emails by replying to the email with the word "unsubscribe" in the subject line, contacting +61 3 7003 7622, or emailing info@eildoncapital.com.

6 ACCURACY OF INFORMATION, STORAGE AND SECURITY

6.1 Complete and accurate details

We take reasonable steps to ensure that the Personal Information we hold about you is accurate, complete and up to date by updating our records whenever changes to information come to our attention.

You have the right to request access to and correction of any of our records containing your Personal Information. To request access to or correction of your Personal Information please contact:

Eildon Group Privacy Officer
Suite 4, Level 6, 330 Collins Street Melbourne Victoria 3000
Phone: +61 3 7003 7622
Email: info@eildoncapital.com

We will respond to your request within a reasonable period of time. Where reasonable and practicable, the Group will give you access to the information requested.

The Group will allow access or make the requested changes unless there is a reason under the Act or other relevant law to refuse such access or refuse to make the requested changes. We may refuse your request if it:

- (a) poses a serious threat to life, health or safety;
- (b) would have an unreasonable impact on the privacy of others;
- (c) is frivolous or vexatious;
- (d) relates to existing or anticipated legal proceedings between the Group and yourself;
- (e) would reveal the Group's intentions in relation to negotiations or prejudice any negotiations with yourself;
- (f) would be unlawful;
- (g) is required or authorised by law or court/tribunal order;

- (h) would be likely to prejudice the taking of appropriate action in relation to suspected unlawful activity or serious misconduct in relation to our functions;
- (i) would be likely to prejudice one or more enforcement related activities; or
- (j) relates to commercially sensitive decision making processes.

If we refuse to provide you with access to the information requested, or to correct your Personal Information, we will tell you in writing why your request was refused and how you can complain about the refusal.

If we do correct your Personal Information and we have previously disclosed your Personal Information to a third party, with your consent, we will notify that third party of the correction where practicable.

The Group may require you to provide some form of identification to verify that you are the person to whom the requested information relates.

You should contact our Privacy Officer (contact details above) about any issues you may have in relation to your privacy. We may charge a fee for providing this service, but we will inform you of that at the time you make the request.

6.2 Storage

Our information systems and files are kept secured from unauthorised access and our staff and contracted agents and service providers have been informed of the importance we place on protecting your privacy and their role in helping us to do so.

All your Personal Information is stored securely by us or third party information storage providers. Your information may be processed by staff located outside of Australia who work for us, or for one of our suppliers. Such staff may be engaged in providing support services. By submitting your Personal Information to us, you agree to this transfer, storing and processing.

6.3 Security

We strive to ensure the security, integrity and privacy of Personal Information, and will take reasonable steps to protect your Personal Information from misuse, interference, loss, unauthorised access, modification or disclosure. We review and update (where necessary) our security measures in light of current technologies.

Access to your Personal Information is restricted to those employees or representatives of the Group who have a legitimate need to use such information in delivering the products and services you have requested from us. These employees or representatives are contractually obliged to maintain confidentiality. In addition, the Group employs generally accepted information security techniques, such as document storage security, security measures for access to our computer systems, firewalls, encryption and access control procedures, to protect your Personal Information.

Although we will endeavour to protect your Personal Information, we are unable to guarantee that any information you transmit to us over the internet is 100% secure. Any information you transmit to us over the internet is transmitted at your own risk.

6.4 Data retention

The Group will retain your Personal Information only for as long as is necessary for the purposes set out in this Policy. We will retain and use your Personal Information to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes and enforce our legal agreements. If we no longer require your Personal Information for any purpose, including legal purposes, we will take reasonable steps to securely destroy or de-identify your Personal Information.

7 USE OF COOKIES, GOOGLE ANALYTICS & SOCIAL MEDIA

A 'cookie' is a small data file placed on your machine or device which lets us identify and interact more effectively with your computer. Cookies do not identify individual users, but they do identify your web requests, ISP (which can be used to locate your general location), browser type, browser language and the date and time of your request.

Our website may use cookies to provide a better browsing experience. If you prefer not to have cookies collected, you can disable this option in your browser settings.

We may use products such as Google Analytics to analyse the audience statistics of our website to improve our content. The information collected includes your IP and referring website address, browser type and version, time zone setting, browser plug-in type and version, domain name, operating system and platform, website access times, information about your visit, such as the pages you accessed, page response times, download errors and page interaction information.

8 LINK TO OTHER SITES

We may provide links to third party websites. These linked sites may not be under our control and we are not responsible for the content or privacy practices employed by those websites. Before disclosing your Personal Information on any other website, we recommend that you carefully read the terms and conditions of use and privacy statement available on the relevant website.

9 DISCLOSURE OF YOUR PERSONAL INFORMATION OUTSIDE OF AUSTRALIA

When you provide us with your Personal Information we may also provide this information to entities which are located overseas. We may also enter into arrangements with third parties outside of Australia to store data we collect or to access the data to provide services (such as data processing).

If we collect your Personal Information, you are taken to consent to the disclosure, transfer, storage or processing of your Personal Information outside of Australia. You acknowledge and agree that by providing your consent:

- (a) we will not be required to take steps as are reasonable in the circumstances to ensure that such third parties comply with the APPs;
- (b) if the overseas recipient handles your Personal Information in breach of the APPs:
 - (i) we will not be liable under the Act; and
 - (ii) you will not be able to seek redress under the Act.
- (c) the overseas recipient may not be subject to any privacy law or principles similar to the APPs;
- (d) you may be unable to see redress overseas; and
- (e) the overseas recipient is subject to a foreign law that could compel the disclosure of Personal Information to a third party, such as an overseas authority.

If you withdraw consent, we will not rely on this consent when dealing with your Personal Information going forward.

10 KNOWLEDGE AND CONSENT

The Group collects your Personal Information from you in varying ways, as a normal part of providing you with the Group services you have requested. While providing such information is voluntary, without the information our ability to provide the service you

have requested may be limited. Typically, we will not specifically seek your consent to use or disclose your Personal Information, where such use or disclosure is within the terms of this Policy. However any use or disclosure of information in any other way will only occur once we have gained your specific consent to do so.

You may withdraw consent at any time, subject to any legal or contractual restrictions and reasonable notice. If you wish to withdraw your consent at any time, this must be done in writing by emailing us at the address in Item 6. However, in the first instance you may wish to contact our Privacy Officer by phone, mail or email to discuss your needs or concerns (please refer to the contact information in Item 6).

Should you choose to withdraw consent for the Group to access, use or disclose your Personal Information, you may be limiting or even preventing our ability to provide you with the Group service or product you desire.

11 ANONYMITY AND PSEUDONYMITY

You have the option of dealing with the Group anonymously or using a pseudonym. Again, note that this may limit the services we are able to provide to you if it is impracticable for us to deal with you in such an unidentified manner. The Group may refuse to deal with you anonymously or by using a pseudonym if it is impracticable to do so, or where required or authorised by an Australian law or a court/tribunal order to do so.

12 COMPLAINTS

If you have a complaint about our information handling practices or consider we have breached your privacy, you can lodge a complaint with:

- (a) the Privacy Officer, using the contact details set out above; or
- (b) the Office of Australian Information Commissioner.

13 AUSTRALIAN PRIVACY COMMISSIONER

If you are not satisfied with the way in which we handle your enquiry or complaint, you can contact the Office of the Australian Information Commissioner by any of the following methods:

Phone: 1300 363 922 (calling from inside Australia)
Phone: +61 2 9284 9749 (calling from outside Australia)
TTY: 133 677 then ask for 1300 363 922
Fax: +61 2 9284 9666
Mail: GPO Box 5218, Sydney NSW 2001
Email: enquiries@oaic.gov.au
Web: <https://www.oaic.gov.au/about-us/contact-us>