

## **PRIVACY POLICY**

**MYFX Australia Pty Ltd** ACN 141 439 581  
ABN 98 141 439 581 ("MYFX")

**Avestra Capital Pty Ltd**  
ACN 144 266 698  
AFSL: 292464 ("Avestra")

### **Introduction**

MYFX has developed this Website ("Site"), the MYFX Trading Console and an auto trading system. If you are based in Australia and you are using the auto trading system, the supply of the auto trading system is covered by the Australian Financial Services Licence issued to Avestra.

This policy outlines the types of information Avestra and MYFX collect about you and how that information is used. The policy applies to all current and former members of Avestra and MYFX. This policy may be revised from time to time, so please revisit this page often to remain fully informed of these privacy policies.

Avestra and MYFX comply with the Privacy Act 1988 in relation to all processing of personal data supplied by users and other personal data. This statement does not extend to sites that are linked to or which are not part of this Site.

### **Commitment to Privacy**

Avestra and MYFX recognises that it is important for you to know how your personal information is dealt with and both Avestra and MYFX are committed to safeguarding the privacy of the personally identifiable information collected from you via the MYFX software or via this Site. For that reason this statement outlines the current Avestra and MYFX Privacy Policies. Avestra also abides by the National Privacy Principles (NPPs) established under the Privacy Amendment (Private Sector) Act 2001.

Precautions are taken to ensure the information collected about you is protected and is accessed only by authorized individuals and organizations. However, no method of transmission over the Internet or method of electronic storage, is 100% secure. Therefore, whilst Avestra and MYFX strive to use commercially acceptable means to protect your personally identifiable information, Avestra and MYFX cannot guarantee its absolute security.

As a registered user, you may be providing MYFX with information in your Metatrader. You will never be asked and neither MYFX or Avestra have access to your password to your account. The information that collected is used for purposes such as providing your broker with information about their clients using MYFX. In turn your broker is then able to assist you further with your use of MYFX and support.

### **Why we collect Personal Information**

The collection, use and disclosure of Your personal information by Avestra and MYFX is essential to assist in the conduct the business of offering and providing a range of products and Services to You. By collecting Your personal information the relationship with You can be administered by (for instance):

- (a) establishing and administering our Services;

- (b) determining Your requirements and providing the appropriate product or service;
- (c) assessing Your service needs;
- (d) improving Services to You;
- (e) identifying You and protecting You from unauthorised access to Your personal information, accounts or Services; and
- (f) satisfying our legal obligations in respect to customer identification.

Without collecting and making use of Your personal information, it may not be possible to interact or do business with You.

In addition, as a registered user of this Site, MYFX will collect and maintain information about your membership activity. This information may include your current holdings and your past and future transactions, number of times you login to MYFX software, to name a few. MYFX may publish this trading information and derivatives based on this information on our Site and we use this information to provide services to you and other users.

### **Legislative requirement to collect information**

Avestra and MYFX are also required under various pieces of legislation and codes of practice to collect certain information about you in order to provide a range of services. This legislation includes, but is not limited to, the Corporations Act, Income Tax Assessment Act as well as certain regulations overseen by the Australian Securities and Investments Commission (ASIC). In addition, the ability of Avestra and MYFX to provide you with comprehensive and quality services is reliant on us obtaining certain personal information about you. The staff and representatives of Avestra and MYFX may request personal and sensitive information from you, which will generally comprise, but not be limited to, the following type of information:

1. Personal details e.g. name, address, contact details (phone, email), date of birth, marital status, dependants, employment details.
2. Financial details e.g. assets, liabilities, income, expenses.
3. Business details including ABNs.
4. Details of all investments, superannuation, investor numbers, credit card and bank account details.
5. Personal goals and objectives.
6. Taxation information including your tax file number.
7. Other personal profile information.

If you do not provide the information required, either MYFX may elect to terminate the relationship with you, if it is believed it will jeopardise the ability to provide you with a complete, accurate and comprehensive service. Avestra and MYFX will not collect any personal information about you except when you have knowingly provided that information or authorised a third party to provide that information. Information will be collected from a variety of sources including directly from you, external organisations and associated companies of Avestra and MYFX. Personal and sensitive information about you is only collected, maintained and used if it is necessary to adequately provide the services requested.

This Site also permits you to contact MYFX via email and our Contact Us form. Whenever you send an email via this Site or through the Contact Us form, you will be providing MYFX with your name, email address and any information you choose to include in the text of your

message. For example, you may choose to provide your mailing address or other information necessary or helpful so that your query or concern can be addressed.

### **Use and Disclosure of Information**

Any personal information about you collected by Avestra or MYFX will be used for the following purposes:

- Provision of investment services.
- Completion of associated documentation and application forms.
- To market services which may be supplied by Avestra, MYFX or by other suppliers that may be of interest to you, unless you inform us not to do so.
- To provide you with agreed services to assist in meeting your requirements, needs, goals and objectives.

The organisations to whom this information may be disclosed to include, but are not limited to:

- Parent companies and other companies within the group.
- Financial institutions (including fund managers, financial advisers, stock brokers).
- Government departments eg., Australian Taxation Office (ATO), ASIC and Centrelink as required by law.
- External service providers and other compliance inspectors for audit purposes.
- External parties for business acquisitions or in the event of the sale of the business.
- Any other external party as authorise by you from time to time.

Furthermore, information collected about you other than for a purpose made known to you will not be disclosed unless the disclosure is:

- Required by law (e.g. ATO, Australian Prudential Regulation Authority and ASIC have the power to order us to disclose information about your situation).
- Is authorised by law for instance, to protect our interests or where we have a duty to the public to disclose or in response to subpoenas, court orders, or legal process or to establish or exercise our legal rights or defend against actual or threatened legal claims.
- You have consented to our disclosing the information to you. Your consent to the disclosure of Your personal information may be given explicitly either in writing or verbally or it may be implied from Your conduct

In addition when MYFX or Avestra believes it is necessary to share information in order to investigate, prevent or take action regarding illegal activities or activities which are believed give rise to legal liability to us or where our members or third parties suspected fraud, situations involving potential threats to the physical safety of any person, violations of MYFX's terms of use or as otherwise required by law. Except as necessary to carry out your requests or support queries, MYFX uses this information.

### **Trading information**

By installing a licence from MYFX on your computer to use the MYFX Trading Console or the auto trading system or by using this Site, you give your consent to the collection and use of trading information by the MYFX.

The MYFX may share your trading information with affiliates if the trading information will assist with the provision of products or services to you or to other users of the MYFX Trading Console or the auto trading system or by using this Site or other affiliated sites.

**“Opt Out” alternative**

You may choose not to provide Us with this information. However, this may limit our ability to provide You with a specific service or offer You personalised Content. Occasionally email communications may be sent to You to provide information, which it is thought may be useful to You, including information about new products and Services from Avestra or MYFX. The policy of Avestra and MYFX is to only send email to customers who give permission to do so. This Site provides You with the opportunity to "opt-out" of receiving communications from MYFX. In addition, whenever MYFX contacts You via email, MYFX will also have instructions on how to unsubscribe so that You will not receive any future emails from MYFX if You so choose. Other companies that place advertising on this Site may collect information about You when You view or click on their advertising or Content. MYFX does not control this collection of information. You should contact these advertisers or Content providers directly if You have any questions about their use of this information.

**Technical and Other Information**

When you visit the Site or use MYFX Software, MYFX may collect information through "cookies" or other similar Web tools to enhance the user experience. Cookies are small strings of text that are sent by the Site to your browser on your computer's hard drive. Cookies enable MYFX to recognize you when you return to the Site, to maintain your Web session while you browse throughout the Site, as well as help us provide you with a better, more personalized experience. MYFX cookies are not tied to personally identifiable information. Most web browsers automatically accept cookies, but it is possible to change your browser setup so that it does not accept cookies. However, rejecting cookies may prevent you from taking advantage of certain portions of the Site.

In addition, when you are browsing the Site or use MYF Software, MYFX automatically receives and records information on server logs from your browser including your IP address, MYFX cookie information and the pages you request. MYFX may use this information to improve the functionality and usability of services.

Your IP address is also used to gather broad demographic information about you, such as Your location and Your Internet Service Provider. The Site may also collect and aggregate information on how our users are utilising the site. This might include information regarding traffic patterns through the sites. Other organisations that place advertising on our network also have the ability to assign a different cookie to Your browser in a process that MYFX does not control. Again, unless You voluntarily advise them, these advertisers will also never know who You are.

**Commitment not to sell your personal information**

Avestra and MYFX each undertake not to sell, rent or trade your personal information. Either Avestra or MYFX may use the personal information collected from you for the purpose of providing you with direct marketing material such as articles that may be of interest to you, however you may request not to receive such information by contacting the Managing Director of Avestra as set out below or MYFX.

## **Communications from the Site**

MYFX may send you strictly service-related announcements on rare occasions when it is necessary to do so. For instance, if the Site is temporarily suspended for maintenance, MYFX might send you an email. Generally, you may not opt-out of these communications, which are not promotional in nature.

## **Customer Service**

Based upon the personally identifiable information you provide to MYFX during the registration process, MYFX will send you a welcoming email to verify your username and password. MYFX will also communicate with you in response to your inquiries, to provide the services you request and to manage your account. MYFX may allow your broker or other Fx related companies to reply to your support request if MYFX does not man a live support desk and brokers and Fx coaches provide this service to MYFX. The 3<sup>rd</sup> party company would have access to your email address, phone number (if supplied), name (if supplied) text with regard to your support and what version you are using of the MYFX software. The 3<sup>rd</sup> party (not your broker or coach) does not have access to any of your personal trading information from your Metatrader account. Generally you will be supported either by MYFX or your broker, if that broker is a supporting broker of MYFX and willing to assist in supporting MYFX clients.

## **Invite-A-Friend**

The Site empowers you with insights into your trading information and enables you to connect with other traders by providing the names and email addresses of others whom you would like to invite to the Site. This information is used only to send your invitation and reminders.

If you choose to use our referral service to tell a friend about the Site, MYFX will ask you for your friend's name and email address. Your friend will be automatically sent an invitation to visit this Site. MYFX stores this information for the sole purpose of sending this one-time email and tracking the success of our referral program.

## **Storage and Security**

Avestra and MYFX recognise how important the privacy of your personal information is to you. We will therefore, at all times, seek to ensure that the personal information collected and held by Avestra or MYFX is protected from misuse, loss, unauthorised access, modification or disclosure. Your personal information is generally held in your personal file. Information may also be held in computer databases. All paper files are stored in secure areas. Computer-based information is protected through the use of access passwords. In the event you cease to be a client of Avestra, any personal information which Avestra holds about you will be maintained in a secure on/ off-site storage facility for a period of at least 7 years in order to comply with legislative and professional requirements, following which time the information will be destroyed.

## **Identifiers**

Avestra will not adopt as our own, any identifiers that you may provide to us such as Tax File Numbers, Centrelink reference numbers, Medicare numbers etc.

## **Transfer of Information Overseas**

This is required either when information is sent directly to the client or to obtain further information from international organisations to aid services provided. Wherever possible, the information will only be transferred to another country where Avestra or MYFX reasonably believe the other country has privacy laws substantially similar to our own.

### **Access Your Information**

You may request from Avestra or MYFX access to any of the personal information held about you. In most cases, a summary of personal information such as Your name and address details, contact telephone numbers, policy numbers, policy cover and Services You have is freely available to You by emailing a request. For more detailed requests for access to personal information, a fee may be charged to cover the cost of retrieval and handling of the supply of this information to you. All requests for access to personal information will be handled as quickly as possible and We shall endeavour to process any request for access within 30 days of having received the request. Some requests for access may take longer than 30 days to process depending upon the nature of the personal information being sought. Avestra or MYFX may refuse You access to personal information in a number of circumstances such as where the information may relate to existing or anticipated legal proceedings with you, where denying access is required or authorised by law, or where the request for access is regarded as frivolous or vexatious or is an unreasonable imposition on us.

### **Quality of the Personal Information**

Avestra and MYFX are committed to ensuring that your personal information is accurate, complete and up to date. To assist with this, please contact Avestra or MYFX if any of the details you have provided change. Furthermore, if you believe that the information Avestra or MYFX have about you is not accurate, complete or up to date, please contact Avestra or MYFX and all reasonable steps will be taken to correct the information. You may not change any information on the system regarding or posted by, other people, including comments they make about you or your information.

### **Links to other sites**

The Site contains links to other sites not affiliated with Avestra or MYFX. These sites have their own policies and practices with respect to online privacy and Avestra or MYFX cannot be responsible for the privacy practices or the Content of these unaffiliated websites.

### **Comment**

Avestra and MYFX suggest that You practise reasonable discretion with any site when providing site operators/owners with personal information. It should also be noted that whenever You post personal information in publicly accessible places, such as chat rooms or message boards, this information becomes available to anyone with access to the Internet. Therefore, Avestra and MYFX recommend that You refrain from posting any information that You do not want seen in these public areas. You should feel free to contact any site that requests personal information from You if You have any questions regarding its policies.

### **Social Networking in General and the MYFX Trader Social Network**

Social networks are on-line groups, networks or communities of people who share some common element(s) such as a particular interest and are interested in exploring and discussing such interests with others on the internet. Social networking involves the on-line

interaction of its members via multiple and various electronic formats, such as chat, messaging, email, video, voice chat, file sharing, blogging, discussion groups and so on.

A social network provides its members with many features, such as the ability to create and view profiles of other members who share commonalities. A social network also allows members to create personal profiles, potentially with fairly detailed information, as well as allow its members to engage in activities such as create personal blogs, share personal information and other applications that allow its members to help them to connect with other network members.

The MYFX Trader Social Network is limited to individuals who are active forex traders. As with other social networks, members of the MYFX Trader Social Network may create personal profiles, in this case with respect to their forex trading and may share among other information, information on their forex trading activities and performance and their market views and trading strategies.

### **Benefits to Social Networks**

A social network provides opportunities for its members to engage with other members and share information over the Internet and find other members on-line with similar interests.

### **Risks to Social Networks**

Social networks are not without their risks, which are no different than any other on-line activity. With public spaces or even within a closed social network community, the services can be used by anyone. There are risks as one does not truly know who the other members of the social network are. In addition, while MYFX does its best to restrict access to your information, MYFX has no control over what third parties with access to your information may do with it. For example, you may post certain personal information, but another member copies and publishes it.

When using social networks, you should take caution when posting your personal information as well as carefully consider the information you get from the social network. You should take care in trusting the information posted in a social network as it may be difficult to prevent members or the public at large from posting false or misleading information, including information in their personal profiles.

In addition, be careful with personal information. Once you have posted your personal information to the internet, you have lost control over who will see it and how it will be used. Information you post or as contained in your profile can easily be copied and shared with thousands of others at the press of a button. In addition, when posting other materials, such as photos, you should take precaution as such information or pictures can be altered or distorted.

There is the potential for risk in using the MYFX Trader Social Network stemming from the illegal or improper use of the social network by third parties who might, for example, post misleading information in an attempt to improperly influence trading decisions or find ways to copy and aggregate member profiles, collect personal financial information or copy personal content and use it for their own purposes.

Beware of files posted or clicking on executable files on social networks as social network sites provide an ideal and cost-efficient platform for the distribution of viruses, worms and bots, Trojans, spyware and more. Companies with a presence on these sites could be adversely affected.

### Changes to This Privacy Policy

Avestra and MYFX constantly reviews all their policies and procedures to keep up to date with changes in the law, technology and market practice. As a result, Avestra or MYFX may update this policy at any time. If Avestra or MYFX should be acquired by or merged with another company, the personally identifiable information and/or technical information obtained from you via this Site may be disclosed to any potential or actual third party purchasers or may be among those assets transferred.

### Privacy Complaints

If you wish to complain about any breach or potential breach of this privacy policy or the NPPs, you should contact us and request that your complaint be direct to the Avestra or MYFX (as appropriate) follows:

<b>Avestra</b>	<b>MYFX</b>
<p>The Managing Director Avestra Capital Pty Ltd Suite A, Level 2, 21 Lake St Varsity Lakes QLD 4227 Email: admin@avestra.com.au + 61 (0)7 5555 8500</p>	<p>The Managing Director MYFX Australia Pty Ltd PO Box 393 Varsity Lakes QLD 4227 Email: support@myfx.com.au + 61 (0)7 5667 9873</p>

### Acceptance of These Terms

This Privacy Policy is incorporated into and subject to the terms of the MYFX End User Licence Agreement. If you do not agree to the terms of this Privacy Policy, please do not provide Avestra or MYFX with any information and do not use this Sites or the MYFX Software. By using the Site and voluntarily providing your personally identifiable information, you consent to the collection and use of such personally identifiable information as set forth in this Privacy Policy.

### Definitions

In this Privacy Policy, the term:

**"Content"** means the text, databases, electronic images, photographic images, virtual tours, video, menus, business descriptions, business names and/or logo, the details of any proposed transactions or components of it, advertisements, sponsored information and any other information published on this Web Site;

**"Services"** means Company's products, software, Services, this Web Site and any other web site operated by Company; and

**"You"** or **"User"** means each person who has logged onto this Site and is using it for any purpose whatsoever and "Your" has a corresponding meaning.