



# FASEA Privacy Policy

January 2020



# FASEA Privacy Policy

## Policy ownership

FASEA's Chief Executive Officer, is responsible for the development and implementation of this policy.

## Policy application

This policy applies to FASEA and all of its staff including contractors and temporary staff.

## Policy approval and review

This policy will be reviewed at least every two years by the Chief Executive Officer, or more frequently, if required by legislative change.

## Policy location

This policy is published on the FASEA website.

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# A – About this policy

## Purpose and scope

1. The purpose of this policy is to provide information about:
  - (a) the personal information that the Financial Adviser Standards and Ethics Authority (FASEA), (referred to as “we” or “us” throughout this policy document) collects;
  - (b) how we handle that information, including how we use and disclose it; and
  - (c) how you can access your personal information or make a complaint about our handling of the information.
2. This policy sets out how we comply with our obligations under the *Privacy Act 1988* ([Privacy Act](#)). We are bound by the [Australian Privacy Principles](#) (APPs) which regulate how we may collect, store, use and disclose personal information, provide for the security of personal information, and explain how individuals may access and correct personal information held about them.
3. ‘Personal information’ is defined in the Privacy Act as:
  - *information or an opinion about an identified individual, or an individual who is reasonably identifiable;*
  - *whether the information or opinion is true or not; and*
  - *whether the information or opinion is recorded in a material form or not.*
4. The personal information we collect includes:
  - (a) contact details (such as name, address, email and telephone numbers);
  - (b) biographical data (such as date and place of birth, and gender);
  - (c) online feedback tool user data (such as the applicant’s role and purpose for using the tool and the email address for dispatch of results);
  - (d) educational qualification data (such as degree transcripts);
  - (e) identification data (such as passports, drivers’ licenses, marriage certificates and deed poll certificates);
  - (f) examination data (such as results, answers, contact details and identification presented at registration);
  - (g) financial information (such as bank details); and
  - (h) occupational and employment histories.
5. ‘Sensitive information’ is a class of personal information which requires greater protection under the Privacy Act. ‘Sensitive information’ is defined in the Privacy Act as:
  - (a) *information or an opinion about an individual’s:*
    - a. *racial or ethnic origin; or*
    - b. *political opinions; or*
    - c. *membership of a political association; or*
    - d. *religious beliefs or affiliations; or*
    - e. *philosophical beliefs; or*
    - f. *membership of a professional or trade association; or*
    - g. *membership of a trade union; or (viii)sexual orientation or practices; or*
    - h. *criminal record; that is also personal information; or*
  - (b) *health information about an individual; or*
  - (c) *genetic information about an individual that is not otherwise health information; or*
  - (d) *biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or*
  - (e) *biometric templates.*
6. Sensitive information that we collect includes information about:
  - (a) membership of a professional or trade association (for example, where a person provides information regarding his or her membership of an industry or other organisations in a submission made during a consultation process, or if seeking feedback on their education pathway or assessment of a foreign qualification); and
  - (b) health information about an individual (for example, where a person provides this information to support a request for special consideration in an examination).

7. The Privacy Act also contains additional requirements with respect to the adoption, use or disclosure of ‘government related identifiers’. A ‘*Government related identifier*’ is defined in the Privacy Act as an identifier of the individual that has been assigned by:
  - (a) *an agency; or*
  - (b) *a State or Territory authority; or*
  - (c) *an agent of an agency, or a State or Territory authority, acting in its capacity as agent; or*
  - (d) *a contracted service provider for a Commonwealth contract, or a State contract, acting in its capacity as contracted service provider for that contract.*
  
8. In order to perform some of our activities and functions, it may be reasonably necessary for us to collect the “AR” number of certain individuals to verify the identity of the individual. “AR” numbers are assigned by the Australian Securities and Investments Commission (ASIC).

## Outline of this policy

9. Section [B](#) of this policy explains our general information handling practices, including how to contact us if you want to:
  - (a) seek access to or correct your personal information; and
  - (b) make a complaint about our handling of personal information.
  
10. Sections C-H contain more information about our information handling practices in relation to the following functions of FASEA:
  - (a) our consultation with stakeholders;
  - (b) our handling of complaints made about our conduct;
  - (c) our management of the examination process;
  - (d) our assessment of foreign qualifications and our feedback on Australian qualifications; and
  - (e) our engagement of employees and contractors.

## B – Our personal information handling practices

### Purposes of collection

11. We only collect personal information that is reasonably necessary for one or more of our functions or activities.
12. We collect personal information to:
  - (a) carry out our obligations as a standards authority (such as assessing foreign qualifications, giving feedback on Australian qualifications and managing the examination process);
  - (b) register new entrants at the commencement of their professional year
  - (c) consult with stakeholders, and consider and determine policy frameworks relevant to the performance of our functions and activities (e.g. regarding the Code of Ethics, Education Pathways, Examination, Work and Training (Professional Year), Provisional Relevant Provider Term, Continuing Professional Development (CPD) and Foreign Qualifications);
  - (d) enable users to access our online tools and systems;
  - (e) deal with and assess complaints about our conduct;
  - (f) calculate payments due under our industry-based funding agreement; and
  - (g) manage our employees, contractors and service providers.

### How we collect information

13. We collect personal information from individuals or their authorised representatives.
14. In some circumstances we may collect personal information about individuals from third parties. This may occur in the course of:
  - (a) receiving other documents relevant to the performance of our functions, for example, personal information about individuals may be disclosed in the following documents given to us by third parties:
    - a. consultation responses;
    - b. tender responses; and
    - c. documents supporting the calculation of payments due under our industry-based funding model; and
  - (b) recruiting our employees and contractors; and
  - (c) our access to the systems of third parties who conduct the administration or supervision of the examination process.
15. The APPs place a notification requirement on us to inform individuals when we collect personal information about them including when we collect that information from a third party, however, in some circumstances an exception might apply.

### Anonymity

16. The APPs require us to allow individuals the option of not identifying themselves or using a pseudonym in their dealings with us when it is lawful and practicable to do so.
17. The performance of many of our functions does require us to know the identity of individuals, for example, to provide a person with special consideration for an examination we need to know the identity of that individual and the reason why they are seeking special consideration.
18. However, where we can perform our functions without knowing the identity of individuals, we will provide individuals with the option of not identifying themselves or using a pseudonym, for example when making general enquiries via email or where appropriate in order to make an anonymous complaint or an anonymous submission during a consultation process.

## Consequences of not providing personal information

19. If we ask an individual to voluntarily provide personal information to us, there is no penalty if they do not do so. However, there may be other consequences, for example:
  - (a) they may not be able to sit an examination; and
  - (b) we may not be able to process an application for an assessment of foreign qualifications or feedback on Australian qualifications.

## Use and disclosure of personal information

20. We only use or disclose personal information (other than government related identifiers) for the purpose for which it was collected, unless one of the following applies:
  - (a) we obtain the individual's consent to use or disclose the personal information for a different purpose;
  - (b) the individual would reasonably expect us to use or disclose the personal information for a different but related purpose (and if the personal information is sensitive information, that the purpose is directly related to the collection purpose);
  - (c) we are required or authorised by or under a law to use or disclose the information for example:
    - a. by a court order or subpoena; or
    - b. in accordance with a provision of a law relevant to the performance of our functions such as the Corporations Act 2001 (Cth); or
  - (d) the use or disclosure is otherwise permitted in accordance with APP 6.
21. The use or disclosure of government related identifiers is only permitted in a more limited set of circumstances. We may use or disclose a government identifier where one of the following applies:
  - (a) the use or disclosure of the identifier is reasonably necessary for us to verify the identity of an individual for the purposes of one of our activities or functions;
  - (b) the use or disclosure of the identifier is reasonably necessary for us to fulfil an obligation to an agency (as defined in the Privacy Act) or a State or Territory authority;
  - (c) we are required or authorised by or under law to use or disclose the information for example:
    - a. by a court order or subpoena; or
    - b. in accordance with a provision of a law relevant to the performance of our functions such as the Corporations Act 2001 (Cth); or
  - (d) the use or disclosure is otherwise permitted in accordance with APP 9.

## Disclosure to other bodies or persons

22. The types of bodies or persons to which we usually disclose personal information collected by us include the following:
  - (a) service providers whom we engage to assist us with our functions;
  - (b) other government agencies (such as the Department of the Treasury)
  - (c) ASIC;
  - (d) parliamentary committees exercising their oversight functions;
  - (e) referees and former employers to verify qualifications and experience when assessing applications for employment;
  - (f) higher education providers to verify the details of academic records, or the records of other qualifications;
  - (g) organisations that issue industry-based designations to verify the details of academic records, or the records of other qualifications;
  - (h) government bodies such as the Tax Practitioners Board to verify the details of academic records, or the records of other qualifications or ASIC to confirm licensing information; and
  - (i) overseas regulators or licensing bodies (see 23 below).

## Disclosure to overseas recipients

23. To verify information about the registration of foreign advisers we may disclose personal information overseas. Such disclosure would ordinarily be to regulators or licensing bodies located in the country in which the adviser was originally (or previously) licensed. The particular countries where the recipients will be located will accordingly depend on the previous licence(s) of the particular foreign adviser.

## Storage and security of information

24. We store personal information in electronic systems and paper files.
25. We take steps to protect the personal information we hold against loss, unauthorised access, use, modification or disclosure, and against other misuse. These steps include password protection and access privileges for accessing our IT systems, securing paper files in locked cabinets, and physical access restrictions.
26. We may store our information in cloud or other types of electronic or network storage. Cloud-based service providers may store information in Australia and /or in other locations around the world. Our cloud-based service providers may store, transmit information to, and permit access to information from, locations outside Australia.
27. If a data breach occurs and personal information that we hold about you is subject to unauthorised loss, use or disclosure, we will respond in accordance with the Privacy Act.
28. The Privacy Act requires us to notify you and the Office of the Australian Information Commissioner of:
  - (a) any unauthorised access or disclosure of your personal information which a reasonable person would conclude would be likely to result in serious harm to you or any affected individuals; or
  - (b) any loss of your personal information where unauthorised access or disclosure is likely to occur and, assuming unauthorised access or disclosure of your personal information, a reasonable person would conclude that the access or disclosure would be likely to result in serious harm to you or any affected individuals.
29. If we reasonably suspect that there has been such unauthorised access or disclosure, we will carry out an expeditious assessment to determine if it is an 'eligible data breach' and take all reasonable steps to contain the unauthorised access or disclosure. We will complete our review within 30 days of becoming aware of the potential personal information breach.

**Note:** An eligible data breach occurs where:

- there is unauthorised access to or disclosure of personal information (or information is lost in circumstances where unauthorised access or disclosure is likely to occur);
- this is likely to result in serious harm to any of the individuals to whom the information relates; and
- the entity has been unable to prevent to risk of serious harm with remedial action.

In the event of an eligible data breach we are obliged to notify the affected parties and the Office of the Australian Information Commissioner. See 26WE of the Privacy Act for the definition of an ‘eligible data breach’.

30. When no longer required, we destroy personal information in accordance with normal administrative practice and consistently with the requirements of the Archives Act 1983 (Cth) as they apply to FASEA.

## Visiting our website

31. When you browse our website, our service provider logs the following information for statistical purposes—your server address, top level domain name (for example, .com, .gov, .au, .uk), the date and time of your visit, the pages accessed, the documents downloaded, the previous site visited and the type of browser used. We also use Google Analytics so that we can understand and improve the user experience of our website. Google Analytics retrieves information about website “page requests” from information provided by the browser and the computer making that request, and in doing so identifies technical information such as hostname, browser type, referrer and language. Google Analytics also uses first party cookies to obtain information about what users look at when they are logged in to our site.
32. We use cookies on our website to help us carry out online surveys. Cookies are small pieces of information exchanged between your web browser and a website server. Where we use an external survey provider, that provider could use cookies on their website. If this is the case, you will be directed to information on the provider’s website explaining their use of cookies.

## Quality, access and correction

33. We will take reasonable steps to ensure that the personal information we collect about you is accurate, up to date, and complete.
34. We will take reasonable steps to ensure that the personal information we use or disclose about you is, having regard to the purpose of the use or disclosure, accurate, up to date, complete and relevant.
35. The Privacy Act allows you to seek access to your personal information and request that we correct your personal information where that information is inaccurate, out of date, incomplete, irrelevant or misleading.
36. In some circumstances, we are permitted to refuse your request to access or correct your personal information under the Privacy Act or other applicable law. If we refuse to provide access or correct personal information about you, we will notify you of our reasons and advise you of how you may seek a review. Generally, your application for access will be dealt with and processed within 30 business days from the date that we receive it.
37. You can obtain further information about how to request access or a correction to your personal information by emailing us at [enquiries@FASEA.gov.au](mailto:enquiries@FASEA.gov.au) or writing to us:

Privacy Officer  
 Financial Adviser Standards and Ethics Authority Ltd  
 PO Box A255  
 SYDNEY SOUTH NSW 1235

## Complaints

38. If you have a complaint about the way in which we have handled the privacy of your personal information you should, in the first instance, contact us. You can email us at [Complaints@FASEA.gov.au](mailto:Complaints@FASEA.gov.au) or write to us:

Privacy Officer  
Financial Adviser Standards and Ethics Authority Ltd  
PO Box A255  
SYDNEY SOUTH NSW 1235

We will then investigate the complaint and will generally try to provide an initial response within 10 business days, and to resolve the complaint within 30 business days.

You may also make a complaint to the Office of the Australian Information Commissioner (OAIC). If you do so, the OAIC may recommend that you try to resolve your complaint directly with us in the first instance. The OAIC can be contacted on 1300 363 992. More information about making complaints relating to privacy can be found on the OAIC website <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint>

## C – Consultation with stakeholders

### Purpose

39. We consult with individuals, and the private and public sectors to determine policy relevant to the performance of our functions and activities (e.g. regarding the Code of Ethics, Education Pathways, Examination, Work and Training (Professional Year), Provisional Relevant Provider Term, Continuing Professional Development (CPD) and Foreign Qualifications Standards).
40. We collect personal information about individuals in the course of our consultation activities. This information may include contact details and other personal information.

### Collection

41. We receive information from bodies and persons who are affected by or are interested in the services we provide and the policies and legislative instruments that we make and review. We may receive this information in the form of submissions in response to consultation or discussion papers we have issued. We may also receive information through less formal processes, such as meetings.
42. This information may contain personal or sensitive information about the individual giving us the information.
43. Writers of submissions sometimes also provide us with personal or sensitive information about other individuals that we have not requested. Where this occurs, we deal with this information as 'unsolicited personal information' in accordance with the requirements of APP 4. Depending on the particular circumstances, this may result in the information being destroyed or de-identified, but this will not always be the case. In some cases, we might be required to notify these other individuals that we have collected their personal information.

### Use

44. We may also use the information for other purposes as explained in paragraphs 20 and 21.

### Disclosure

45. We may publish the results of our consultations (for example, by publishing reports). We will not publish personal or sensitive information collected during consultation without obtaining permission from the individuals.
46. We may disclose other personal information to other bodies or persons as explained in paragraph 22 to 23.

## D – Complaints made about us

### Purpose

47. We collect personal information for the purposes of handling complaints about our conduct.

### Collection

48. The complaints will usually contain personal information about the individual who lodged the complaint. It may also contain personal information about other persons.
49. We may also collect personal information about individuals from third parties if it is relevant to the complaint.

### Use

50. We use personal information for the purpose of handling the complaint. We may also use the information for other purposes as explained in paragraphs 20 and 21.

### Disclosure

51. We would usually disclose the name of the complainant and the details of the complaint to our staff if any are the subject of the complaint, as we consider the complainant would expect us to do this. However, we will not provide information to our staff if the complainant tells us that they do not want the information disclosed.
52. If the complainant asks us not to reveal information, we may not be able to investigate the complaint if we are unable to give our staff sufficient information to be able to respond to the complaint.
53. We may also disclose personal information to other bodies or persons as explained in paragraphs 22 to 23.

## E – Management of the examination process

### Context

54. To be eligible to sit an examination the candidate must register with FASEA as a new entrant and hold a New Entrant Registration Number issued by FASEA, or be an existing adviser registered on ASIC's Financial Adviser Register. Examinations are conducted on our behalf on an ongoing basis by our contracted service provider (ACER). Examination candidates are referred by us to ACER and we disclose to ACER personal information about candidates for the purpose of conducting the examinations and allowing the candidate to participate. Candidates must register with ACER before undertaking an examination. Candidates should read ACER's privacy statement and privacy policy which will be provided to them at the time of that registration.
55. In administering the examination, ACER will collect personal and sensitive information from each candidate in order to register them and to verify their identity and will hold and use that personal information to conduct the examination, mark the examination papers and prepare and notify the examination results to the candidate and FASEA. It may, also collect and use sensitive information if a candidate applies for special consideration and/or reasonable adjustment for the candidate in the sitting of an examination.
56. If, an eligible candidate is permitted to sit an examination at a remote location, the supervision of the candidate's examination will be undertaken by ProctorU a third party engaged to do so by ACER. Such supervision will involve the candidate being monitored by webcam in real-time ("live") and it will be recorded. The candidate will also be obliged to register with ProctorU. ProctorU is a US-based organisation and stores data in the United States. Candidates who will sit examinations at remote locations should read ProctorU's privacy statement and privacy policy which will be provided when ACER accepts the candidate's application to sit at the remote location.
57. We will collect a new entrant's personal information as part of the registration process for commencing a professional year. At the same time, we will, in connection with that process, collect personal information about the new entrant's supervisor and the responsible manager of the responsible licensee of the new entrant. We collect this information to issue the new entrant with a New Entrant Registration Number which the candidate will require to be eligible for registration with our service provider as a candidate for an examination.
58. We will have access, at our request, to the data held by ACER in respect of each candidate, in particular in order to monitor and report on the effectiveness of the examination process which is conducted or to investigate and take action in relation to any candidate misconduct alleged to have occurred in the undertaking of an examination.

### Use

59. We will use the personal information collected during registration of a new entrant for commencing a professional year, to issue the new entrant with a New Entrant Registration Number. We may use the personal information of a candidate accessed from ACER to evaluate and improve the examination process or to investigate and take action in relation to any alleged instance of candidate misconduct.

### Disclosure

60. We will disclose to ACER the New Entrant Registration Number of new entrants, together with their personal information provided to us and the name and contact details of the responsible manager of the responsible licensee of the new entrant
61. Where we are required or authorised by or under law, we may disclose your personal information.
62. We may disclose other personal information to other bodies or persons as explained in paragraphs 20 to 23.

## F – Assessment of foreign qualifications

### Purpose

63. We assess foreign qualifications on an ongoing basis.
64. We collect personal information for the purposes of assessing an applicant's foreign degrees and other qualifications. We also might collect personal information to verify information we have been supplied.

### Collection

65. We will collect an applicant's personal information and details of his or her DET assessments, academic transcripts, and other details of qualifications they have been awarded during the application for assessment process.

### Use

66. We use personal information for the purpose of assessing foreign degrees and other qualifications and providing results to applicants.

### Disclosure

67. We may disclose your personal information for the purposes for which we have collected the information.
68. In the course of verifying your authority to provide personal financial advice or verifying the details of academic records, or the records of other qualifications, we may disclose your personal information to:
  - (a) higher education providers;
  - (b) organisations that issue industry-based designations;
  - (c) government bodies or organisations that undertake qualification assessments of equivalency to Australian education standards;
  - (d) government bodies such as the Tax Practitioners Board;
  - (e) ASIC; and
  - (f) overseas regulators or licensing bodies.

69. We may disclose your personal information overseas in the country where you were originally (or previously) licensed. Such disclosure would ordinarily be to regulators or licensing bodies for the purpose of verifying information about your foreign registration. Usually, we will seek your consent before we disclose your personal information to an overseas regulator. When seeking your consent, we will advise you that if you provide your consent APP 8.1 will not apply to the disclosure. This means that we will not be required to take steps to ensure that the overseas recipient does not breach the APPs. We will only disclose your personal information overseas without your consent where this is otherwise permitted by APP 8.
70. We may publish the results of our assessments in a de-identified and aggregated form (for example, by compiling a database of degrees we have assessed and the results of those assessments).
71. Where we are required or authorised by or under law, we may disclose your personal information.
72. We may disclose other personal information to other bodies or persons as explained in paragraphs 20 to 23.

## G – Feedback on Australian qualifications

### Purpose

73. We provide feedback on Australian qualifications on an ongoing basis.
74. We collect personal information for the purposes of providing feedback on an applicant's degrees and other qualifications. We also might collect personal information to verify information we have been supplied.

### Collection

75. We will collect an applicant's personal information and details of his or her academic transcripts, and other details of designations attained and qualifications that have been awarded during the application for assessment process. In addition, the online feedback tool will collect information about the person using the tool, including their email address and a description of their role, their qualification and their purpose in using the tool.

### Use

76. We use personal information for the purpose of providing feedback on Australian qualifications and notifying applicants. We will use the personal information collected through the online feedback tool to help us to tailor and improve that service and to communicate with users of that service.

### Disclosure

77. We may disclose your personal information for the purposes for which we have collected the information. In the course of verifying the details of academic records, or the records of other qualifications, or designations we may disclose your personal information to:
  - (a) higher education providers;
  - (b) organisations that issue industry-based designations; and
  - (c) government bodies such as the Tax Practitioners Board
  - (d) ASIC.
78. We may publish the results of our assessments in a de-identified and aggregated form (for example, by compiling a database of degrees we have assessed and the results of those assessments). Our reporting about the online feedback tool will only contain aggregated, de-identified data about the people using our tool.
79. Where we are required or authorised by law, we may disclose your personal information.
80. We may disclose other personal information to other bodies or persons as explained in paragraphs 20 to 23.

## H – Engagement of employees, contractors and consultants

### Purpose

81. We collect personal information for the purposes of:
- (a) assessing your suitability for employment, consultancy or contract work;
  - (b) engaging, managing and supporting your employment, consultancy or contract;
  - (c) assessing your ongoing suitability to hold and maintain access to Australian Government official resources;
  - (d) conducting investigations into suspected misconduct by employees, contractors and consultants; and
  - (e) managing conflicts of interest.

### Collection

82. Generally, we collect personal information directly from you or your authorised representatives. At times, we may also collect personal information from third parties including:
- (a) past and present employers, contracting parties and referees;
  - (b) other Australian, state or territory government entities in relation to any existing or previous employment you held or hold;
  - (c) agencies (such as the Australian Electoral Commission for information about residential addresses);
  - (d) the Department of Home Affairs and the Department of Foreign Affairs and Trade to check any naturalisation and/or citizenship documents;
  - (e) the Australian Federal Police and other law enforcement agencies;
  - (f) state and territory registries of births, deaths and marriages;
  - (g) government agencies which have investigated any suspected breaches of law or Australian Government policy;
  - (h) financial institutions and financial vetting institutions;
  - (i) medical practitioners to clarify medical information (with your consent); and
  - (j) other third parties relevant to assessing and monitoring your ongoing suitability for employment, consultancy or contract work with us and your holding or maintaining of a security clearance.

### Use

83. We use your personal information for the purposes set out in paragraph [84](#).

### Disclosure

84. We may disclose your personal information for the purposes for which we have collected the information.
85. Where we are required or authorised by or under law, we may disclose your personal information. For example, we may disclose your personal information to:
- (a) an Australian court or tribunal;
  - (b) a Fair Work Inspector or a permit holder, such as a union official, that may be conducting an investigation into a suspected contravention of the law under the Fair Work Act 2009 (Cth); and
  - (c) law enforcement agencies to investigate any suspected breaches of law.



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