

TOP  Markets

# Privacy Policy

Company: **TOP 1 MARKETS PTY LTD**

Phone: **+61 2 61720053**

email: **[cs@top1markets.com](mailto:cs@top1markets.com)**

Address: **704 Station St Box Hill VIC 3128(Australia)**

Version: **V.3.1.0**

Date Updated: **19 December 2019**

## 1. Introduction and Definitions

---

1.1. This Policy applies to TOP 1 MARKETS PTY LTD and any holding companies, subsidiaries or related entities (referred to as we, us, our).

1.2. The Policy extends to and covers all operations and functions of TOP 1 MARKETS PTY LTD. At TOP 1 MARKETS PTY LTD, we are committed to ensuring the confidentiality and security of the personal information supplied to us by individuals. TOP 1 MARKETS PTY LTD is bound by the Australian Privacy Principles contained in the Australian Privacy Act 1988 (Cth) .

1.3. The word “individual” refers to a customer, client, trustee or any other person with whom we come into contact. All contractors, sub-contractors, vendors, service providers, customers, agents or any other third parties that have access to personal information collected by TOP 1 MARKETS PTY LTD must abide by this Privacy Policy.

1.4. “Personal information” is information or an opinion relating to an individual, which can be used to identify that individual. “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. We do not collect sensitive information about you without your consent, unless the collection is authorised by law.

## 2. What types of personal information do we collect?

---

2.1. Our ability to provide individuals with our services is sometimes dependent on us obtaining certain personal information about the individual. If an individual does not provide us with the information we request, we may not be able to provide them with the benefits of our services.

2.2. Typically, the kind of personal information we collect includes name, date of birth, address, occupation, and contact details.

2.3. We also collect information about the form of identification used in relation to an individual to send or receive a transaction (required by law in some instances), and information about a transaction, including details of the amounts paid in or out of an individual's account and delivery instructions.

### **3.How we collect personal information**

---

#### **3.1. We collect personal information about individuals:**

3.1.1. directly from applications, questionnaires or forms completed by individuals who wish to use our services;

3.1.2. from information disclosed to us by an individual on the phone, or by sending us correspondence (by letter, fax or email);

3.1.3. from information disclosed to us by an individual via our website and online trading platform; and

3.1.4. from third party sources, including our business contacts, credit reporting bodies providing identity verification services, and financial institutions.

3.2. In some circumstances we may be provided with personal information about an individual from somebody else, for example a referral from another person. We will take reasonable steps to ensure that the individual is made aware of the matters set out in this Privacy Policy. We may also occasionally receive unsolicited personal information about individuals.

3.3. We do not give individuals the option of dealing with us anonymously, or under a pseudonym. This is because it is impractical, and in some circumstances illegal, for us to deal with individuals who are not identified.

### **4. Why do we collect personal information?**

4.1. TOP 1 MARKETS PTY LTD collects personal information for the following purposes:

4.1.1. to conduct our business of providing CFD services in relation to foreign exchange and derivatives contracts to our clients and to counter parties;

4.1.2. to provide individuals with information about our services and promotions;

4.1.3. protect our business and other clients from fraudulent or unlawful activity;

4.1.4. to assess applications by individuals, in order to provide them with our services;

4.1.5. to investigate and resolve any concerns or complaints an individual may have;

– Privacy Policy

4.1.6. to manage any legal actions involving TOP 1 MARKETS PTY LTD;

4.1.7. to collect and analyse statistical information regarding the number of visitors to our website and our online trading platform;

4.1.8. to comply with our legal obligations, including our obligations to collect certain information under the relevant laws and regulations; and

4.1.9. to help us manage and enhance our services.

## **5. About whom do we collect personal information?**

---

5.1. The type of information we may collect and hold includes (but is not limited to) personal information about:

5.2. clients and potential clients;

5.3. third parties such as service providers;

5.4. prospective employees; and

5.5. other people with whom we come into contact.

## **6. How might we use and disclose personal information?**

---

6.1. We may use and disclose personal information for the purposes set out in section

4 above, and for reasonably expected secondary purposes which are related to these purposes. We only use and disclose personal information in circumstances authorized by the Data Protection Acts. Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the individual agrees otherwise, or otherwise authorised by law.

6.2. We do not disclose personal information we collect to third parties for the purpose of allowing them to direct market their products and services. We do not use or disclose sensitive information for direct marketing purposes.

6.3. We may engage third parties to perform services for us which involve the disclosure of personal information to that person. In these situations, we prohibit that person from using personal information about you except for the specific purpose for which we supply it.

6.4. Where sensitive information is held by us about an individual, wherever possible we will attempt to de-identify the information. We also undertake to delete all personal information about an individual when it is no longer needed or required by law to be kept. We also destroy or de-identify all unsolicited personal information, unless we are authorised by law to store it. TOP 1 MARKETS PTY LTD – Privacy Policy

6.5. We may disclose personal information to:

- 6.5.1. a related company of TOP 1 MARKETS PTY LTD;
- 6.5.2. an individual's introducing broker;
- 6.5.3. an agent, contractor or service provider we engage to carry out our functions and activities, such as our lawyers, accountants, or counter-parties;
- 6.5.4. organisations involved in a transfer or sale of all or part of our assets or business;
- 6.5.5. organisations involved in managing our payments, payment merchants and other financial institutions such as banks;
- 6.5.6. regulatory bodies, government agencies, law enforcement bodies and courts, and
- 6.5.7. anyone else to whom the individual authorises us to disclose it, or as required by law.

## 7. How do we communicate with you?

---

7.1. We may send you information by SMS, push notification, email or in-app notification about our products, services and offers we think would be of interest to you. The information we send you will always be in relation to the services or products you have requested from us.

7.2. If you receive email communications from us about the market or your activity on the platform and you don't want to receive them in the future, please use the unsubscribe link within the email and we will stop sending you this information via email. Alternatively, when you are logged into your account you can manage your preferences by going to the "Notifications Settings" tab and selecting the type of notification you would like to receive (email, SMS, push notification). You can change these preferences at any time.

7.3. Please note that push notifications are sent to every device you have logged into your account from. If you use another person's device to log into your trading account or allow another person to log into their trading account using your device, this will result in push notifications being sent to the device(s) used to access the trading account. Therefore, if you have used another person's device to log into your trading account, or have allowed another person to log into their trading account using your device, please contact Customer Service to request the removal of a particular device from a trading account. TOP 1 MARKETS PTY LTD – Privacy Policy

## 8. Sending information overseas

---

8.1. We are likely to disclose personal information to related entities and data storage service providers that are located outside Australia. These recipients are located in Israel, the United Kingdom and Bulgaria.

## 9. Management of personal information

9.1. We take reasonable steps to protect personal information held from misuse, interference and loss and from unauthorised access, modification or disclosure. For example by use of physical security and restricted access to electronic records.

9.2. Personal information is generally held in client files. Information may also be held in a computer database. All paper files are stored in secure areas, and access is limited to authorised persons. Computer-based information is protected through the use of access passwords, and other data security measures.

9.3. Any personal information collected, will recorded and kept for a period of at least 7 years after the closure of an account, in encrypted files.

## **10. Identifiers**

---

10.1. We will not use identifiers assigned by the Government, such as a tax file number, Medicare number or provider number, for our own file recording purposes.

## **11. Direct marketing**

---

11.1. We do not use personal information for direct marketing purposes unless:

11.1.1. the personal information does not include sensitive information;

11.1.2. the individual would reasonably expect us to use the information for direct marketing;

11.1.3. we provide a simple 'opt out' of receiving direct marketing material;

and

11.1.4. the individual has not asked to opt out of receiving direct marketing material from us.

11.2. If the individual would not reasonably expect us to use or disclose the information for the purpose of direct marketing, we may only use or disclose that information for TOP 1 MARKETS PTY LTD – Privacy Policy direct marketing if the individual has consented. We will also only use sensitive information for direct marketing if the individual has consented.

11.3. Individuals can request to opt out of receiving marketing material from us or request that we provide them with the source of their information. We will respond to these requests free of charge within a reasonable time.

## **12. How do we keep personal information accurate and up-to-date?**

---

12.1. We take reasonable steps to ensure that the personal information we hold is relevant, accurate, complete and up-to-date. Individuals may contact us to seek correction of any personal information we hold about them if they believe that the information we hold is inaccurate.

12.2. Where we are satisfied that the information is inaccurate, we will take reasonable steps to correct the information within 30 days, unless you agree otherwise. We do not charge individuals for correcting the information.

## **13. Access to personal information**

---

13.1. Subject to the exceptions set out in the Data Protection Acts, individuals may gain access to the personal information which we hold about them by contacting the Privacy Officer on the contact details set out below. If we refuse to provide access to the information as requested, we will provide reasons for the refusal and inform the individual of any exceptions relied upon under the Data Protection Acts.

13.2. We will endeavor to respond to any request for access within 30 days of the request. We will require identity verification and specification of what information is required. An administrative fee for search and photocopying costs may be charged for providing access.

## **14. Updates to this Policy**

---



14.1. This Policy was reviewed and updated on September 29, 2016, and will be reviewed from time to time to take account of new laws and technology, changes to our operations and practices and the changing business environment.

## **15. Responsibilities**

---

15.1. It is the responsibility of management to inform employees and other relevant parties that this Privacy Policy is maintained and enforced. Management must ensure that they periodically advise TOP 1 MARKETS PTY LTD's employees and other relevant parties of any changes or any new Privacy Policies in a timely manner. It is the responsibility of all employees and other relevant parties to ensure that they understand and adhere to TOP 1 MARKETS PTY LTD – Privacy Policy. This Privacy Policy. Ignorance of the existence of the Privacy Policy will not be an acceptable excuse for non-compliance.

## **16. Privacy Training**

---

16.1. All new employees must be provided with timely and appropriate access to TOP 1 MARKETS PTY LTD's Privacy Policy. All employees are provided with opportunities to attend privacy training and must ensure that they understand the privacy-related issues that could adversely affect us and our clients if not properly adhered to.

## **17. Non-compliance and disciplinary actions**

---

17.1. Any TOP 1 MARKETS PTY LTD employee or relevant third party that identifies, knows about or suspects a Privacy breach must immediately report the

matter to the Privacy Officer. Employees or other relevant parties that contravene or do not comply with TOP 1 MARKETS PTY LTD's Privacy Policy may be subject to disciplinary action.

## **18. Complaints Handling**

---

18.1. Individuals can make a complaint about how we have complied with the Data Protection Principles by accessing the Contact Us page on the website.

## **19. Contractual arrangements with third parties**

---

19.1. We must ensure that all contractual arrangements with third parties adequately address privacy issues.

19.2. Each third party is aware of and understands this Privacy Policy, and has implemented policies in relation to the management of personal information in accordance with the relevant law.

19.3. The third parties specifically agree only to use personal information for the purposes consented to by TOP 1 MARKETS PTY LTD or by the individual concerned.

## **20. Privacy Audits**

---

20.1. TOP 1 MARKETS PTY LTD conducts periodic privacy audits in order to ensure that it is continuing to comply with its obligations under the APPs.

TOP 1 MARKETS PTY LTD – Privacy Policy

## **21. Website**

21.1. By accessing our website or by submitting an application to open an account with TOP 1 MARKETS PTY LTD, you consent to TOP 1 MARKETS PTY LTD collecting, maintaining, using and disclosing personal information about you and provided by you.

21.2. When an individual accesses our website, our website uses cookies which allow us to identify the individual's browser. Cookies do not identify the individual – they simply allow us to track usage patterns so that we can measure the level of interest in various areas of its site. All browsers allow individuals to be notified when they receive a cookie and elect whether to accept it.

21.3. On devices where cookies are not available (such as some mobile phones and tablets), we may use identifiers such as Apple's Identifier for Advertising (IDFA) and Google's Android Advertising ID (AAID) to collect behavioural information. These advertising identifiers do not constitute personal information.

21.4. To support targeted advertising campaigns, we may collect your IP address. We also store IP addresses in server logs for Anti-Fraud and security reasons.

21.5. We do not combine personal information with behavioural information. The purpose of collecting this information is to provide you with a more relevant and effective experience on our website(s), including presenting web pages according to your needs or preferences.

21.6. Our website privacy policy can be accessed by clicking on the privacy button on our website.

TOP 1 MARKETS PTY LTD – Privacy Policy

# TOP Markets

---

704 Station St Box Hill VIC  
3128(Australia)

+61 2 61720053  
[cs@top1markets.com](mailto:cs@top1markets.com)