

## AdviceOS - Privacy Policy

Updated March 2014

### About Midwinter

Midwinter Financial Services Pty Ltd ("MFS") develops and distributes software for the Australian funds management and financial planning industries.

We refer to Midwinter Financial Services Pty Ltd as "Midwinter" in this Privacy Policy.

This document sets out how Midwinter deals with your personal information.

Within this Privacy Policy we will refer to the AdviceOS service.

If you are an AdviceOS user, the defined terms in this Policy have the same meaning as those in the AdviceOS Services Agreement. When you access our website, or use our software and services, you consent to the terms of this Policy.

### Midwinter may receive personal information about your clients from you

As many of our software and services involve the collection and storage of data relating to a company or individual, you must ensure that you are authorised to disclose that information to Midwinter. You must also ensure that when collecting personal information that we do not have to take any further steps required by applicable data protection or privacy laws.

This means that you must take reasonable steps to ensure the individual or entity concerned is aware of and/or consents to the various policy terms detailed in this Policy, including:

- \* The fact that their personal information is being collected,
- \* The purposes for which that information is being collected,
- \* The intended recipients of that information,
- \* The individual's right to obtain access to that information,
- \* Midwinter's identity and how to contact Midwinter.

Midwinter may collect, use and disclose such information for the purposes described in this Policy. Where requested to do so by Midwinter, You must assist us with any requests by the individual to access or update the personal information you have collected from them and entered into our software.

### AdviceOS

AdviceOS allows the users of our software to store comprehensive personally identifiable information on their clients, including, but not limited to, personal, financial, taxation, health

and medical details. It also allows the user to record phone conversations in the form of file notes, upload and store files that may contain other personally identifiable information. AdviceOS will also store any data that has been entered in by the client via the client portal, client engagement calculators, or other related services, including metadata relating to use of the client portal. Any reports or documentation generated from the software as a result of any modelling or projections will also be stored within the AdviceOS system.

## **Midwinter collects, holds, and uses your personal information for limited purposes**

Midwinter may use personal information collected from you for the purposes of providing various services to you. These may include:

- ❄ Verifying your identity, invoicing, providing support services and administering the software and services we provide to you,
- ❄ General communications with you (such as newsletters, Roadshow invites),
- ❄ Providing you with information on changes to the software or services we provide you,
- ❄ Carry out marketing or training in the software and services we provide you,
- ❄ Feedback questionnaires and industry surveys,
- ❄ Assisting you with the resolution of technical issues or other issues relating to the software and services, and
- ❄ Comply with laws and regulations in applicable jurisdictions.

Midwinter will only use your personal information for the purposes described in this Policy or with your express permission. By using our software and services, you consent to your personal information being collected, held and used in this way and for any other use you authorise.

It is your responsibility to keep any passwords issued to you, and those of your authorised users, safe and secure. You must notify us as soon as possible if you become aware of any misuse of your password (or any other user or authorised user passwords), and immediately contact Midwinter with details of the misuse and request a password reset.

## **AdviceOS holds your personal information on servers located in Australia**

All data, including personal and non-personal information, that is entered into our Software and Services by you, or imported by you or by us on your instruction, is transferred to our hosting service as a function of transmission across the Internet. By using our Software and Services, you consent to your personal and client information being transferred to our servers as set out in this Policy.

## AdviceOS

Midwinter uses the services of Amazon Web Services (AWS) to host its AdviceOS software and personal data. **All client information stored in AdviceOS is located on AWS servers located in Sydney, Australia.**

By using AdviceOS, You consent to Midwinter storing your personal information and that of your clients on servers hosted within Australia. While your personal and client information will be stored on servers operated by AWS, it will remain within Midwinter's effective control at all times. The server host's role is limited to providing a hosting and storage service to Midwinter. We have taken steps to ensure that our server hosts do not have access to, and use the necessary level of protection for, your personal information.

If you do not want your personal information and that of your clients to be stored on the AWS servers you should not provide Midwinter with your personal information or use the AdviceOS Software.

## Midwinter takes steps to protect your personal information

Midwinter is committed to protecting the security of your personal information and we take all reasonable precautions to protect it from unauthorised access, modification or disclosure.

Your personal information is stored on secure servers that have a Secure Socket Layer (SSL) certificate has been issued to Midwinter Financial Services Pty LTD by Commodo Pty Ltd. All Data transferred between you and AdviceOS is encrypted. You can find out more about our security arrangements and our data protection measures by emailing us at [info@midwinter.com.au](mailto:info@midwinter.com.au).

The Internet is not in itself a secure environment and we cannot give an absolute assurance that your information will be secure at all times. Transmission of personal information over the Internet is at your own risk and you should only enter, or instruct the entering of, personal information to the Service within a secure environment.

We will advise you at the first reasonable opportunity upon discovering or being advised of a security breach where your personal information is lost, stolen, accessed, used, disclosed, copied, modified, or disposed of by any unauthorised persons or in any unauthorised manner.

## Midwinter only discloses your personal information in limited circumstances

Midwinter will only disclose the personal information you have provided to us to a third party outside the Midwinter if it is necessary and appropriate in the provision of our Software and Services. Please note that this may include any governing or licensing bodies that



require this information to assist with the provision of compliance or monitoring services, such as your dealer group or licensee.

Midwinter will not otherwise disclose your personal information to a third party unless you have provided your express consent. However, you should be aware that Midwinter may be required to disclose your personal information without your consent in order to comply with any court orders, subpoenas, or other legal process or investigation including by tax authorities, if such disclosure is required by law. Where possible and appropriate, we will notify you if we are required by law to disclose your personal information.

The third parties who host our servers do not control, and are not permitted to access or use your personal information except for the limited purpose of storing the information. This means that, for the purposes of Australian privacy legislation and Australian users of the Service, Midwinter does not currently "disclose" personal information to third parties located overseas.

## **Midwinter does not store your credit card details**

If you choose to pay for the service by credit card, your credit card details are securely stored and cannot be accessed by Midwinter staff. Your credit card details are encrypted and securely stored by Ezy pay Pty Ltd to enable Midwinter to automatically bill your credit card on a recurring basis. You should review Ezy pay's privacy policy to ensure you are happy with it.

## **You may request access to your personal information**

It is your responsibility to ensure that the personal information you provide to us is accurate, complete and up-to-date. You may request access to the information we hold about you, or request that we update or correct any personal information we hold about you, by setting out your request in writing and sending it to us at [info@midwinter.com.au](mailto:info@midwinter.com.au).

Midwinter will process your request as soon as reasonably practicable, provided we are not otherwise prevented from doing so on legal grounds. If we are unable to meet your request, we will let you know why. For example, it may be necessary for us to deny your request if it would have an unreasonable impact on the privacy or affairs of other individuals, or if it is not reasonable and practicable for us to process your request in the manner you have requested. In some circumstances, it may be necessary for us to seek to arrange access to your personal information through a mutually agreed intermediary.

Midwinter will only keep your personal information for as long as we require it for the purposes of providing you with the Service. However, we may also be required to keep some of your personal information for specified periods of time, for example under certain laws relating to corporations, money laundering, and financial reporting legislation.

## You can opt-out of any email communications

Midwinter sends billing information, product information, Service updates and Service notifications to you via email. Our emails will contain clear and obvious instructions outlining how you can choose to be removed from any mailing list not essential to the Software and Services. Midwinter will remove your detail at your request.

## You are responsible for transfer of your data to third-party applications

The Service may allow you to transfer Data, including your personal information, electronically to and from third-party applications. Midwinter has no control over, and takes no responsibility for, the privacy practices or content of these applications. You are responsible for checking the privacy policy of any such applications so that you can be informed of how they will handle personal information.

## Midwinter has a privacy complaints process

If you wish to make a complaint about how we have handled your personal information, please provide our Privacy Officer with full details of your complaint and any supporting documentation:

- ❄ by e-mail at [info@midwinter.com.au](mailto:info@midwinter.com.au), or
- ❄ by letter to The Privacy Officer, Midwinter Financial Services Pty Ltd, Suite 2 Level 14, 111 Elizabeth Street, Sydney NSW 2000.

Our Privacy Officer will endeavour to:

- ❄ provide an initial response to your query or complaint within 10 business days, and
- ❄ investigate and attempt to resolve your query or complaint within 30 business days or such longer period as is necessary and notified to you by our Privacy Officer.

## This policy may be updated from time to time

Midwinter reserves the right to change this Policy at any time. Any amended Policy is effective upon posting to this Website. Midwinter will make every effort to communicate any significant changes to you via email or notification via the Service. Your continued use of the Service will be deemed acceptance of any amended Policy.



Midwinter's AdviceOS  
enterprise strength  
financial planning software  
for advisers

## Our contact details

### Midwinter Financial Services Pty Ltd

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111 Elizabeth St,  
Sydney NSW 2000.

[www.midwinter.com.au](http://www.midwinter.com.au)

[info@midwinter.com.au](mailto:info@midwinter.com.au)

Toll free 1300 882 938

*Midwinter Financial Services Pty Ltd (Midwinter). ABN 22 121 020 620, has endeavoured to ensure that the information contained in this communication is accurate, but to the maximum extent permitted by the Law, disclaims all liability for errors or omissions. Midwinter provides no warranties and makes no representation that the information generated is appropriate for your particular circumstances.*

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