

## **PRIVACY AND CREDIT INFORMATION POLICY**

### **Privacy at Balbec**

This Privacy and Credit Information Policy explains how Balbec Capital, LP, its predecessors, successors, affiliates and subsidiaries who operate in Australia or are otherwise bound by the *Privacy Act 1988* (Cth) ("Privacy Act"), including InSolve Capital Australia Pty Ltd (ACN 147 276 122) (collectively "Balbec", "we", "us", "our") collect, use, disclose, transfer and otherwise handle personal information and credit information we hold. It is Balbec's policy to comply with all applicable privacy and data protection laws, including the Privacy Act.

We are purchasers of distressed consumer debt, specifically, accounts of debtors subject to a current bankruptcy proceeding. We purchase such accounts from banks and other financial institutions ("assignors") and oversee the filing of Proofs of Claim in Bankruptcy Proceedings for those accounts. We hold debtors' individual privacy in the utmost respect and protect in confidence any personal information related to our debtors, customers, clients, investors, partners, and employees. We typically do not communicate directly with the individuals whose debts we purchase, but there may be odd instances where we have to do so.

The Privacy Act, and in particular the Australian Privacy Principles ("APPs") and Part IIIA of the Privacy Act and the Privacy (Credit Reporting) Code 2014 ("CR Code") govern the way in which Balbec collects, uses, discloses, stores, secures and disposes of your personal information and credit information.

In this policy, credit information means personal information that has a bearing on credit that has been provided to you (either by Balbec or the assignor of your debt), that you have applied for or that you are guarantor for. Credit information includes (i) information that we obtain from credit reporting bodies; and (ii) information that we derive from such information, for example, a credit score or risk rating.

This Privacy and Credit Information Policy may be updated from time to time. The updated policy will be posted on our website, along with the date of update.

### **How do we collect personal and credit information?**

We collect personal information and credit information about our customers from the following sources:

- the original creditor of their account and/or the reseller of such account;
- our subsidiaries and affiliates, and from third-party bankruptcy servicers (including debt collectors);
- participants in the bankruptcy process;
- credit reporting bodies and other credit providers and government agencies; and
- directly from customers or their guarantors.

### **What personal and credit information do we collect and hold?**

We collect personal information and credit information about you for purposes directly related to our services, functions or activities and only when necessary for, or directly related to, those purposes.

Depending on the relationship we have with you, the personal information we collect about you includes:

- identification information, such as your name, age, or date of birth;
- contact details such as your address, phone number and email address;
- other information that you provided to the original creditor or reseller of your account;
- information about services we have provided to you and details of complaints you have made;
- financial information such as bank account and credit card details if required for or related to payments;
- information we are required or authorised to collect by law;
- other personal information that may be required in order to facilitate your interaction with us; and
- where we have purchased your consumer debt, we will collect credit information (including information contained in a consumer or commercial credit report) including:
  - information about your current consumer debt account, including any debt outstanding on that account and account payment information;
  - information about your credit history, including payment and credit history with us and other credit providers;
  - information about 60 day overdue consumer credit payments for which collection action has started, default listings or serious credit infringements, and information about payments or subsequent arrangements in respect of the same;
  - information about the terms of any insolvency, or payment arrangements, including where you are subject to a current bankruptcy proceeding, the name of trustee in bankruptcy and any information provided in the bankruptcy process; and
  - publicly available information about your credit worthiness such as bankruptcy and credit-related court judgments.

**Why do we collect, hold, use or disclose personal and credit information?**

We collect, hold, use and disclose your personal information and credit information for the following purposes:

- as indicated to you at or before (or if that is not practicable, as soon as practicable after) the time we collect your personal information;
- to administer or record our dealings with you, reconcile transactions, and comply with any agreements or arrangements we have entered into with you;
- in connection with the sale, transfer or merger of all or part of our business or our assets;



- to maintain a record of, and assist us in responding to, and following up on, your enquiries and complaints in relation to our products and services;
- investing in, and acquiring, consumer debt;
- overseeing the filing of proofs of claim in bankruptcy proceedings for the accounts purchased, collecting on debts and communicating with trustees in bankruptcy where required or authorised by law; and
- in respect of credit information we collect and hold about you:
  - assessing applications or requests for new arrangements and developing our internal credit risk assessment system;
  - establishing, providing and administering your credit account including to assist you to avoid defaults;
  - collecting overdue amounts you owe us and assigning our debts to third parties;
  - securitisation purposes, such as purchasing, funding or managing, or processing applications for credit by means of a securitisation arrangement or insuring risk associated with such purchase or funding by means of a securitisation arrangement;
  - participating in the credit reporting system; and
  - dealing with complaints or regulatory matters relating to credit and credit reporting or as otherwise required or authorised by law.

### **To whom do we disclose your personal and credit information?**

We may disclose your personal information and credit information to other people and entities, including affiliates located overseas in the United States and the United Kingdom, as described in this Privacy and Credit Information Policy or as permitted or required by relevant law, such as:

- third party suppliers and providers of services who require such information for purposes set out in, or relating to, this Privacy and Credit Information Policy, such as:
  - IT and security services, including cloud data centres located in the United States, the United Kingdom and the European Union;
  - support services such as legal and accounting companies located in the United States and the United Kingdom; and
  - insurers, bankruptcy servicers, debt collectors or entities that otherwise manage your credit on our behalf (including to interact with appropriate entities to enforce our interests in an insolvency, post payments from insolvency administrators, conduct insolvency reporting, file proofs of debt or justify the balance of a claim, and respond to appropriate enquiries regarding the credit account);
- other credit providers for securitisation purposes, in connection with the proposed or actual purchasing, funding or managing, or processing applications for credit by means of a



securitisation arrangement or insuring risk associated with such purchase or funding by means of a securitisation arrangement, including for the purpose of that credit provider determining whether to proceed with the securitisation or fulfilling reporting or audit requirements;

- in jurisdictions other than the United States, credit reporting bodies as required or authorised by law, including to obtain credit reports, deal with defaults on your credit account and serious credit infringements and assist you to avoid defaulting on your obligations in respect of such credit;
- our prospective and actual successors and assigns or as part of a sale or transfer of assets, for use for substantially the same purposes as those set out in this Privacy and Credit Information Policy, provided that if a transaction does not go through, we will contractually require that the prospective successor or assign not use or disclose your personal information in any manner whatsoever for any purpose, and that they return or destroy such personal information;
- our affiliate companies and related companies, including those located overseas in the United Kingdom, and the United States;
- to government, regulatory and law enforcement authorities, or other entities where required or permitted to by law or an external dispute resolution scheme, including:
  - in connection with criminal or legal investigations and tax reporting requirements;
  - in the course of employing reasonable and legal methods to enforce your rights or to investigate suspicion of unlawful activities; and
  - when we believe such disclosure is reasonably necessary to protect the safety of ourselves and others; and
- to other entities with your consent.

As a result, your personal information may be subject to the laws of the countries in which overseas recipients are located, which may be different from the laws of your country of residence. For example, information may be disclosed in response to valid demands or requests from government authorities, courts, or law enforcement in other countries.

We will take reasonable steps to ensure that any overseas recipient will deal with your personal information in a way that is consistent with the APPs, Part IIIA of the Privacy Act and this Privacy and Credit Information Policy, which may include requiring that such organisations:

- comply with all applicable local data protection laws;
- have appropriate technical and organisational measures to protect personal information from accidental or unlawful destruction, accidental loss, alteration or unauthorised disclosure or access, and which provide a level of security;
- appoint one or more directors or officers to be responsible for coordinating and monitoring information security requirements and procedures; and
- ensure their personnel are subject to similar obligations, including requirements: to act consistently with the organisation's policies and procedures regarding privacy, confidentiality, ethics and appropriate usage of personal information, and professional standards; to undergo

security training and to have been informed of the consequences of breaching such security requirements and procedures.

### **How do we hold and secure your personal and credit information?**

We are committed to keeping your personal information and credit information secure. The personal information and credit information we hold is stored in hard copy or electronically in our IT systems (and those of our third-party service providers) located in the United States and other countries such as Australia. We take reasonable steps to protect the personal information and credit information we hold about you from misuse, interference and loss and unauthorised access, modification or disclosure. We use an appropriate combination of a number of reasonable physical, administrative, technical and personnel measures, which may include: requiring all employees, agents, subsidiaries and affiliates to comply with specific internal procedures on protection of personal, sensitive and credit information; on-premises security systems including physical and electronic control of premises (where applicable); secure electronic network systems including firewalled and walled garden networks; protection of data containing personal information which we transmit by the internet; encryption of data servers, mobile devices and storage media; intrusion detection systems at gateways and egress points, multilayered antivirus and anti-malware operations; imposing (where appropriate) restricted password access on electronic records, securing hardcopy records in cabinets or rooms which are locked after hours; and destroying hardcopy records periodically.

Once your personal information and/or credit information is no longer needed for the purposes consistent with the terms of this Privacy and Credit Information Policy (including when we are no longer required or authorised by law to keep records relating to you), Balbec will take reasonable steps to destroy or de-identify any such personal or credit information it holds.

### **Statement of notifiable matters**

If we provide you credit (including where we are assigned your consumer debt) or you are a guarantor for such credit, we may disclose your personal information to, or collect personal information about you from, a credit reporting body:

- The credit reporting bodies we are likely to disclose your information to are:
  - **Equifax:** on 138 332 between 8:30am – 5:00pm or <https://www.equifax.com.au/contact>.
  - **Illion:** on 1200 734 806 between 8:30am – 5:00pm or <https://www.illion.com.au/contact-us>.
  - **Experian:** on 1300 783 684 or [creditreport@au.experian.com](mailto:creditreport@au.experian.com).

For information on how such credit reporting bodies manage credit information, please review their privacy policies.

- A credit reporting body may include your personal information in reports they provide to credit providers to assist those credit providers to assess your credit worthiness (such as where you have applied for a loan from that credit provider).

- If you fail to meet your payment obligations in relation to consumer credit or commit a serious credit infringement, we may be entitled to disclose this to a credit reporting body.
- Credit reporting bodies offer a service to credit providers wishing to send direct marketing material to individuals, called “pre-screening”. You may request that credit reporting bodies not use your information for this purpose, by contacting the credit reporting body using the details above.
- You may request a credit reporting body not use or disclose credit reporting information about you, if you believe on reasonable grounds that you have been or are likely to be a victim of fraud.

### **How to contact us or make a complaint**

If you have any questions, concerns or complaints regarding this Privacy and Credit Information Policy, or our handling of your personal information and credit information, or if you would like a copy of this policy in another format, please contact our Privacy Officer using the details below.

Balbec Capital, LP  
ATTN: Chief Compliance Officer  
7144 E. Stetson Drive, Suite 410  
Scottsdale, Arizona 85251  
privacy@insolvecapital.com

We will provide an initial response to any complaint regarding a possible breach of the Privacy Act or CR Code within 30 days of receipt of the complaint. If your complaint relates to credit information we will confirm receipt of your complaint within 7 days, and if we cannot resolve your complaint within 30 days, we will notify you of the reasons for the delay, give you an estimated timeframe for resolving the complaint and seek your agreement to us notifying you of our decision at that later date. Complaints may be taken to a recognised external dispute resolution process, including the Australian Financial Complaints Authority of which we are a member, or may be taken to the Office of the Australian Information Commissioner.

### **Can you access and correct information we hold about you?**

We make every reasonable effort to keep your personal and credit information as accurate, complete and up-to-date as necessary. Despite our best efforts, errors sometimes do occur.

You (or a person you have authorised in writing to assist you to deal with us) may request access to your personal and credit information, by contacting our Privacy Officer. We will deal with requests for access within a reasonable period after receipt of the request in writing. If we refuse to give you (or the access seeker) access to credit information we hold about you (including where giving access is unlawful, would prejudice enforcement related activities or where denying access is required or authorised under law), we will tell you (or the access seeker) why.

If you identify or believe there is any incorrect or out-of-date information in your file, please contact our Privacy Officer in writing and we will take reasonable steps to ensure it is corrected (and in respect of credit information, to ensure it is corrected within 30 days of receipt of your request, or such longer period you agree to in writing). Where appropriate, we will notify that correction to third parties such as credit reporting bodies. If we refuse your request to correct your credit information, we will tell you why,



and you can ask us to associate a statement with the relevant information that contains your view that such information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

In certain circumstances, we may recover our reasonable costs of providing you with access to your personal information.

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