



Privacy policy and Data Protection

Our privacy commitment to you

Fresh Capital Solutions Pty Ltd (“Fresh Capital Solutions”, “FCS”, “we”, “us”, “our”) is committed to respecting your privacy and safeguarding your personal information in accordance with the **Privacy Act 1988 (Cth)** (the “Privacy Act”) and the Australian Privacy Principles (“APPs”).

This Privacy Policy applies to all personal information collected or submitted to us via our website, email, phone, or any other means of engagement in connection with our services.

Introduction

Fresh Capital Solutions provides commercial debt advisory services to clients, including structured finance solutions, acquisition and growth debt advice, fund-level financing, corporate debt optimisation, and transaction advisory support. Our role is strictly advisory and commercial in nature.

We do not provide financial product advice, nor do we hold an Australian Financial Services Licence (AFSL). All services are provided on a non-regulated basis, and clients are responsible for obtaining independent legal, tax, accounting and financial advice tailored to their specific circumstances.

By engaging our services, you acknowledge that:

- We provide commercial debt advisory services only
- We do not hold an Australian Financial Services Licence
- Our advice is not financial product advice
- You will obtain independent specialist advice where appropriate

1. Collection of Personal Information

We do not routinely collect or store personal information through our website. However, should you provide personal information via direct contact, we commit to maintaining its confidentiality.

How We Collect Personal Information

We may collect personal information:

- (i) **Directly from you** – via contact forms, emails, phone calls, meetings, or during the course of providing our services
- (ii) **From third parties** – such as your representatives (lawyers, accountants, financial advisors), referrers, brokers, or credit reporting bodies (with your consent)

Privacy policy and Data Protection

- (iii) **From publicly available sources** – including ASIC registers, company websites, or public financial statements
- (iv) **Through our website** – via cookies and analytics tools (see Section 13 below)

Types of Personal Information We Collect

The types of personal information we may collect voluntarily include:

- (i) Contact details – name, email address, phone number, postal address
- (ii) Identification documents – driver's licence, passport, or other verification documents [for identity verification and compliance with Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) (AML/CTF Act)]
- (iii) Financial information – balance sheets, profit and loss statements, cash flow projections, bank account details, income, assets and liabilities
- (iv) Business information – corporate structure, ownership details, information about existing debt facilities and lenders, business plans and forecasts
- (v) Employment information – if you are an individual seeking our services or acting on behalf of a client
- (vi) Information relevant to your inquiries, investments, or business engagement

We may also receive personal information from third parties, such as your representatives, with your consent or as permitted by law.

2. Definition of Personal Information

“Personal information” has the meaning given in the Privacy Act, encompassing any information or opinion about an identifiable individual, recorded in any form. This includes information from which your identity is apparent or can be reasonably ascertained.

3. Important Disclaimer – No Financial Product Advice

Fresh Capital Solutions does not hold an Australian Financial Services Licence (AFSL). Our services are commercial advisory services only and do not constitute financial product advice within the meaning of the *Corporations Act 2001* (Cth). We do not make recommendations or statements of opinion that are intended to influence you in making a decision about a financial product.

Any information we provide in the course of our advisory services is for general informational or commercial purposes only and should not be relied upon as financial advice. You should obtain independent financial, legal, tax and accounting advice tailored to your specific circumstances before making any financial decisions.

4. Use and Disclosure of Personal Information

We use personal information to:

- (i) Respond to inquiries and manage complaints
- (ii) Provide and improve our services, including debt advisory services
- (iii) Verify your identity and maintain compliance with legal obligations, including the AML/CTF Compliance and taxation laws
- (iv) Assess your eligibility for our services
- (v) Conduct credit checks and verify financial standing (with your consent)
- (vi) Manage our business operations, including risk management, auditing, and dispute resolution
- (vii) Comply with reporting obligations to regulators such as AUSTRAC, ASIC, and the ATO

We may collect personal information from third parties or public records if permitted under law.

Sensitive information (as defined under the Privacy Act) is collected or disclosed only with your express consent or where required by law.

5. Introductions to Lenders and Funders

As part of our debt advisory services, we may introduce clients to potential lenders, funders, or capital providers. Where we make such introductions:

- (i) We will only share your personal information with lenders or funders that you have approved in writing (as reflected in our Agreed Funder List)
- (i) We will ensure appropriate confidentiality arrangements are in place before disclosing any information
- (ii) We do not endorse or guarantee any particular lender or funder, and you are responsible for conducting your own due diligence
- (iii) Any decisions to engage with introduced lenders or funders are your sole responsibility

6. Anonymity and Pseudonymity

Where feasible, you may interact with us anonymously or via a pseudonym. However, for most services and legal obligations (including AML/CTF compliance), identification will be required.

7. Information Provided by Third Parties

If a third party provides us with your personal information, they must have your authority or consent or be legally permitted to do so.

8. Security of Personal Information

We take **all reasonable steps** to protect personal information from misuse, loss, unauthorised access, alteration, or disclosure. Our security measures include:

- (i) Encryption of sensitive data
- (ii) Firewalls and intrusion detection systems
- (iii) Access controls and confidentiality obligations for employees and contractors
- (iv) Regular staff training on privacy and data protection
- (v) Secure document storage and destruction procedures for physical records
- (vi) Incident response plan for data breaches
- (vii) Regular security audits and vulnerability assessments

We also securely destroy or de-identify personal information when no longer needed for legal or business purposes.

9. Retention of Personal Information

We retain personal information only for as long as necessary to fulfil the purposes for which it was collected, including legal, accounting, or reporting requirements.

- (i) Under Australian law, we may be required to retain certain records for:
 - 7 years for tax and financial records
 - 7 years for AML/CTF compliance (verification documents)

When information is no longer required, we take reasonable steps to destroy or de-identify it securely.

10. Access and Correction

You have the right to access personal information we hold about you and request corrections to ensure it is accurate, complete, and up to date.

Requests for access or correction should be directed to our **Privacy Officer** at the contact details below. Identity verification may be required before information is released.

We will respond to access requests within a reasonable timeframe, usually within **30 days**, as required by the Privacy Act. There is no charge for making an access request, though we may charge a reasonable fee for providing copies of documents.

Where access is denied for legal reasons, we will provide a written explanation and outline available complaint procedures. If we refuse to correct your personal information, we will provide written reasons and inform you of your complaint rights.

11. Disclosure to Third Parties

Personal information may be disclosed to third parties:

- (i) In the course of providing our services
- (ii) **Lenders, funders, and capital providers** (with your prior written approval)
- (iii) **Valuers and due diligence providers** engaged in connection with your transaction
- (iv) **Your representatives**, including lawyers, accountants, and financial advisors
- (v) **Our professional advisors**, including lawyers and accountants
- (vi) To our service providers who assist us (e.g., technology, legal, accounting, business consulting)
- (vii) Where required or authorised by law

All disclosures comply with the Privacy Act and are limited to the purposes for which the information was collected.

12. Overseas Disclosure

Some of our third-party service providers may store or process personal information outside Australia, including in countries such as the United States, Singapore, and the United Kingdom.

Where we disclose personal information to overseas recipients, we take reasonable steps to ensure that the recipient complies with the Australian Privacy Principles or is subject to substantially similar privacy laws. By providing your personal information, you consent to such overseas disclosure where necessary for the provision of our services.

13. Website Usage Information and Cookies

When you visit our website, we may collect certain information automatically, including:

- (i) Your IP address
- (ii) Browser type and version
- (iii) Operating system
- (iv) Pages you view and time spent on our website
- (v) Referring website addresses

We collect this information using cookies and similar technologies to improve website functionality, analyse trends, and enhance user experience. This information is generally anonymised and does not identify you personally.

You can configure your browser to refuse cookies or notify you when cookies are being used. However, some website features may not function properly without cookies.

Do Not Track: Our website does not currently respond to "Do Not Track" signals from web browsers.

14. Marketing and Third-Party Restrictions

We do **not** include personal information in marketing databases, nor do we sell, rent, or trade your information for marketing purposes.

Should this practice change, opt-out mechanisms will be provided to ensure your choices are respected.

15. Eligible Data Breach

If we become aware of the loss of, or unauthorised access to, your personal information, we will assess whether it is an **eligible data breach** under the Privacy Act.

Where required, we will notify affected individuals and the **Office of the Australian Information Commissioner (OAIC)** as soon as practicable, providing details of the breach and our response.

16. Changes to Privacy Statement

We may update this Privacy Policy to reflect changes in the Privacy Act, APPs, or our practices. Significant amendments will be posted on our website, and the most current version can be requested at any time without charge.

17. Enquiries and Complaints

All privacy-related complaints are handled seriously and confidentially. If you have questions, wish to make a complaint, or believe your privacy has been breached, please contact our **Privacy Officer**:

Privacy Officer

Fresh Capital Solutions Pty Ltd. Email: legal@freshcs.com.au Phone: +61 481 387 861

How We Handle Complaints

1. **Acknowledgment** – We will acknowledge receipt of your complaint within **5 business days**.
2. **Investigation** – We will investigate your complaint thoroughly and impartially.
3. **Response** – We will provide a written response outlining our findings and proposed resolution within **30 days**.

If your complaint involves complex issues requiring more time, we will notify you and agree on a reasonable extension.

If your complaint relates to our debt advisory services, please provide as much detail as possible, including:

- The nature of the services provided
- The specific concern (e.g., fee dispute, handling of information, quality of advice)
- Any relevant dates or communications

If you are dissatisfied with our handling of your complaint, you may escalate it to the **OAIC**: www.oaic.gov.au