

# OBSIDIAN GROUP PRIVACY POLICY

## Purpose

Obsidian Group Limited (**Obsidian**) knows that how the collection, use, disclosure and protection of your information is important to you, and Obsidian values your trust. That is why protecting your information and being clear about what it is used for is a vital part of Obsidian's relationship with you.

The purpose of this Privacy Policy is to inform Clients how Obsidian complies with the requirements of the New Zealand Privacy Act 2020 ("the Privacy Act") in managing personal information.

## Consent to Privacy Policy

By accessing the Obsidian website, contacting Obsidian and / or using the services offered by Obsidian, you consent to the collection, use, disclosure, storage and processing of your personal information in accordance with this Privacy Policy.

## Collection of Personal Information

Personal Information is defined in the Privacy Act as information about an identifiable individual (a natural person as opposed to a company or other legal entity).

### Types of personal information collected

The types of personal information Obsidian collects will vary depending on the nature of your dealings with the Company. Only personal information that is necessary is collected. Where reasonable and practicable, Obsidian will collect your personal information directly from you and inform you that it is being collected. We may also receive personal information about you from other people or organisations. This is explained further below.

Obsidian mainly collects personal information directly from you, for example:

- Over the telephone or a video call (such as Microsoft Teams, Zoom or Skype) e.g., when you make contact.
- When you email or write.
- When you participate in a marketing campaign (or similar event) administered by Obsidian.

If it is not obvious that personal information is being collected from you, Obsidian will do its best to make it clear to you so that you are always aware when information is being collected.

Generally, the types of personal information collected, and held include your:

- Name
- Date of birth

- Contact details (such as your email address, postal address, phone number)
- Details relating to your use of any product and/or service offered
- Details of your enquiry

### **When we collect information about you from other sources**

Sometimes Obsidian collects personal information about individuals from someone other than the individual concerned. This is indirect collection.

When Obsidian collects personal information indirectly, reasonable steps are taken to make sure the individual is aware of:

- The fact that the information has been collected
- The purpose of the collection
- The intended recipients
- Obsidian's identity and contact details
- The law authorising or requiring collection, where applicable
- Their rights to access and correct their information

Obsidian's Indirect Collection Source Schedule sets out the common third parties that information is collected from, the information involved, the purpose of the collection, and who the information may be shared with. A copy of the schedule can be requested from [enquiries@obsidiangroup.co.nz](mailto:enquiries@obsidiangroup.co.nz).

Obsidian also uses service providers to store personal information, these provider arrangements are managed separately from indirect collection practices.

### **Online device information and cookies**

If you are visiting Obsidian through the website, then information about your use and experience on these is collected by using cookies. Cookies are small pieces of information stored on your hard drive or on your mobile browser. They can record information about your visit to the site, allowing it to remember you the next time you visit and provide a more meaningful experience.

The cookies sent to your computer, mobile phone or other device cannot read your hard drive, obtain any information from your browser or command your device to perform any action. They are designed so that they cannot be sent to another site or be retrieved by any non-Obsidian website.

When you interact with Obsidian through the website, the information collected through the cookies may include:

- The date and time of visits.
- Website page (or pages) viewed.
- The website from which you accessed the internet and Obsidian's website.
- How you navigate through the website and interact with pages (including any fields completed in forms and applications completed (where applicable)).
- Information about your location.
- Information about the device used to visit the website, and

- IP address (or addresses), and the type of web browser used.

Obsidian will never ask you to supply personal information publicly over any social media platform.

## **Purpose of Collection and Use of Personal Information**

Any personal information you provide to Obsidian may be used to:

- Check whether you are eligible for the product or services offered
- Facilitate those services
- Provide information that you request; and / or
- Provide you with further information about other products and services
- Meet our regulatory obligations

Obsidian also has an obligation to maintain personal information for disclosure to regulatory and similar bodies - see "[Disclosure of Your Personal Information](#)" below. These bodies have a legal right to such information.

## **Storage and Protection of Your Personal Information**

Obsidian electronically records and stores personal information collected from you. When done so, all reasonable steps are taken to ensure it is kept secure and, therefore preventing unauthorised disclosure.

However, Obsidian cannot promise that your personal information will not be accessed by an unauthorised person e.g., a hacker or that unauthorised disclosures will not occur.

Information held about you will be stored in paper files as well as stored electronically on physical hard drives and on the cloud, by cloud service providers – see "[Cloud-based service providers](#)" below.

A range of physical and electronic security measures are used to protect the security of the personal information held; these include:

- Access to information systems is controlled through identity and access management
- The Building is secured with a combination of locks and monitored alarms to prevent unauthorised access
- Employees are bound by internal information security policies and are required to keep information secure
- Employees are required to complete training about information security and privacy
- When service providers are used to process or store information, arrangements are put in place to protect your information.
- Obsidian regularly monitors and reviews its compliance (and service providers' compliance) with internal policies and industry best practice.

- Obsidian only keeps information for as long as it is needed, or as long as the law requires. Obsidian has a Record Keeping policy that governs how information and records are managed and how any information that is outdated, irrelevant or unnecessary is destroyed.

### **Cloud-based service providers**

Obsidian's data is cloud based. An external organisation (Pro South) has been engaged to provide IT services and manage systems on Obsidian's behalf. Recognised industry best practices for information security are followed and this includes maintaining an offline backup to support data protection and recovery.

### **Timeframes for keeping personal information**

Obsidian takes reasonable steps to destroy or permanently de-identify any personal information as soon as practicable after the date of which it has no legal or regulatory purpose, or there is no legitimate business purpose to hold it.

In the case of information that relates to advice services or products or services that have been provided, Obsidian is required by law to hold this information for seven years. After this time, provided that the personal information is no longer relevant to any service provided to you, reasonable steps to safely destroy or de-identify any personal information will be taken.

Obsidian has a Record Keeping policy that governs how information and records are managed and makes sure any information that is outdated, irrelevant or no longer necessary is destroyed.

### **If there is a privacy breach**

Obsidian works hard to keep your personal information safe. However, despite applying strict security measures and following industry standards to protect your personal information, there is still a possibility that security could be breached. If Obsidian experiences a privacy breach, where there is a loss or unauthorised access or disclosure of your personal information that is likely to cause you serious harm, Obsidian will, as soon as it becomes aware of the breach:

- Seek to quickly identify and secure the breach to prevent any further breaches and reduce the harm caused
- Assess the nature and severity of the breach, including the type of personal information involved and the risk of harm to affected individuals
- Advise and involve the appropriate authorities where criminal activity is suspected
- Where appropriate, notify any individuals who are affected by the breach (where possible, directly)
- Where appropriate, put a notice on its website advising clients of the breach; and
- Notify the Privacy Commissioner within 72 hours of becoming aware of the breach.

## Disclosure of Your Personal Information

Your personal information may be disclosed to others outside Obsidian where:

- It is necessary to enable Obsidian to achieve the purpose for which the information was collected, either directly or indirectly
- It is required or authorised by law or where Obsidian has a public duty to do so
- You have expressly consented to the disclosure, or your consent can be reasonably inferred from the circumstances; or
- Obsidian is permitted to disclose the information under the Privacy Act 2020.

### Parties your information may be disclosed to

Your personal information may be used by Obsidian for the purpose of providing advice and services to you and may also be used by agencies such as, but not limited to:

- Any out-sourced service provider who assists in the services that are required to be carried out such as auditors and external compliance reviewers
- The external dispute resolution service
- The Regulator
- Credit reporting and debt collecting organisations
- Obsidian's related companies i.e., Obsidian Group Nominee Company Limited and Covenant Trustee Services Limited

Obsidian's Indirect Collection Source Schedule sets out the specific information about common third parties to whom your information may be disclosed.

If your information is not required to be shared with a third party in order to provide advice and services to you, Obsidian will not pass on your information to them without your consent. Under no circumstances will Obsidian sell or receive payment for disclosing your personal information.

### Sending your information overseas

At this stage Obsidian does not send your personal information overseas, Obsidian's related companies and service providers or other third parties who process or store information or provide certain services are all based in New Zealand.

If in the future Obsidian were required to do this, it does not change any of the commitments to you to safeguard your privacy. Obsidian will make sure that appropriate security and information handling arrangements are in place and that the information remains subject to confidentiality obligations.

All countries have different privacy laws and information protection standards. If Obsidian needs to send your personal information to a country that has lower standards of information protection than in New Zealand, Obsidian will take appropriate measures to protect your personal information. Where it is not possible to ensure that appropriate security and information handling arrangements are in place, Obsidian will let you know and gain your consent prior to sending your personal information overseas.

## **Right to Access to Correct and Delete Personal Information**

You have the right to request access to, correct and, in some circumstances, delete your personal information collected, whether directly or indirectly. You can do so by contacting Obsidian at:

Obsidian Group Limited  
Level 6, Westpac Building  
106 George Street  
Dunedin 9016

Or via email at [enquiries@obsidiangroup.co.nz](mailto:enquiries@obsidiangroup.co.nz)

When you contact Obsidian with such a request, steps will be taken to update or delete your personal information, provide you with access to your personal information and/or otherwise address your query within a reasonable period after receiving your request. To protect the security of your personal information, you may be required to provide identification before Obsidian is able to update or provide you with access to your personal information.

Obsidian is only able to delete your personal information to the extent that it is not required to be held to satisfy any legal, regulatory, or similar requirements.

There is no fee for requesting that your personal information is corrected or deleted or for Obsidian to make corrections or deletions. In processing your request for access to your personal information, a reasonable cost may be charged. This charge covers such things as locating the information and supplying it to you.

There are some circumstances in which Obsidian is not required to give you access to your personal information. If you are refused access to correct or delete your personal information, Obsidian will let you know the reasons, except if the law prevents from doing so.

If your request to correct or delete your personal information is refused, you also have the right to request that a statement be associated with your personal information noting that you disagree with its accuracy.

If your request to access, correct or delete your personal information is refused, you will also be provided with information on how you can complain about the refusal.

## **What happens if You do not Provide Your Information?**

If you do not provide information Obsidian has requested, you may be unable to obtain or access the services for which the information is required. Please ask if you are unsure what information is important and how this might affect you.

## **Changes to this Privacy Policy**

Obsidian will review this Privacy Policy periodically to keep it current and available on the website. If the changes are significant, you may be advised directly. You may also obtain a copy of the latest version by calling either (03) 425 0642 or 021 799 719.

## Privacy Policy Queries and Concerns

If you are concerned about how your personal information is being handled or if you feel that Obsidian has compromised your privacy in some way, please make contact at:

Obsidian Group Limited  
Level 6, Westpac Building  
106 George Street  
Dunedin 9016

Or via email at [enquiries@obsidiangroup.co.nz](mailto:enquiries@obsidiangroup.co.nz)

Obsidian will acknowledge your complaint within three working days of its receipt. If there is the need for any further information to investigate your complaint you will be contacted.

Obsidian aims to resolve complaints as quickly as possible, generally within five working days, but some complaints do take longer to resolve. If your complaint is taking longer, Obsidian will let you know what is happening and a date by which you can reasonably expect a response.

If you are not satisfied with our response to any privacy related concern, you may lodge a complaint on the Privacy Office website ([www.privacy.org.nz](http://www.privacy.org.nz)) or send a complaint form to the Privacy Commissioner at:

Office of the Privacy Commissioner  
P O Box 10 094  
Wellington 6140, New Zealand  
Email: [enquiries@privacy.org.nz](mailto:enquiries@privacy.org.nz)

Telephone: 0800 803 909  
Website: [www.privacy.org.nz](http://www.privacy.org.nz)