

ASIC Background Checking and Information Sharing Protocol Template Consent Form

Prospective Representative Consent to the collection, use, disclosure and storage of information to conduct reference checks

[name of prospective representative] (*Prospective Representative/You*)

1. We, [Insert recruiting licensee name and licensee number], our related entities and any agent(s) acting on our behalf (**Us/We**), request your consent to collect, use, disclose and store your personal information for the purposes of Us considering your suitability for employment / authorisation by Us in relation to:
 - (a) complying with the ASIC Reference Checking and Information Sharing Protocol under the *ASIC Corporations and Credit (Reference Checking and Information Sharing Protocol) Instrument 2021/429* (the **Protocol**);
 - (b) should You be employed or authorised by Us—complying with the general conduct obligations of a licensee under section 912A of the *Corporations Act 2001* or subsection 47(1) of the *National Consumer Credit Protection Act 2009* which include, taking steps to ensure that a licensee’s representatives comply with financial services laws or credit legislation and ensuring that representatives are adequately trained, and are competent, to provide financial services or credit activities.
2. The personal information (**Information**) that may be collected, used, disclosed and stored by Us is likely to include, but is not limited to, information in relation to:
 - (a) the scope and length of your employment or authorisation;
 - (b) your compliance audit record, including the results or outcomes of compliance audits;
 - (c) compensation that was given to a client either as a financial payment offered to a client or any other non-financial remedy given to a client, as a result of your activities;
 - (d) ASIC reportable breaches caused or contributed to by You;
 - (e) your conduct in relation to financial services or credit activities while you were employed or authorised by, and circumstances surrounding your departure from, the referee licensee;
 - (f) details of any unresolved inquiry or investigation concerning your conduct in progress at the time that the reference is given;
 - (g) any clarification or updates relating to the matters reported in the reference for a period of up to 6 months commencing after the day on which the reference is given.
3. We will collect this Information from referee licensees, being one or more of the current and/or former licensees to whom You were/are a representative in the preceding 5 years and only in relation to the 5-year period preceding the day the reference was given.
4. Information collected by Us will be collected, used, disclosed and stored by Us for the purposes described above, unless use or disclosure is required or authorised by law, including the *Privacy Act 1988* (Cth), or You consent to the collection, use, disclosure or storage for a different purpose.
5. Information collected by Us will be collected, used and disclosed for a period of 12 months commencing after the day You give consent, for the purposes described above, unless You have notified Us in writing that You withdraw this Consent. Unless it is withdrawn earlier, this

Consent will cease at the end of that 12 month period.

6. Information collected by Us will be stored for 5 years in accordance with the Protocol.

Declaration of Prospective Representative

I declare that I have read and understood the content of this consent form and consent to the collection, use and disclosure of this Information for a period of up to 12 months by [**insert name of recruiting licensee**], or until you are notified in writing that I have withdrawn it, whichever occur earlier.

I acknowledge that the defence of qualified privilege applies when a referee licensee shares Information about a representative in accordance with the Protocol. Licensees have a defence of qualified privilege against a defamation action or a breach of confidence action resulting from information shared about a representative in the course of complying with their obligations under the Protocol.

Note: This defence does not apply to any information a referee licensee shares with Us that they are not obliged to give under the Protocol (e.g., information about conduct that occurred more than 5 years before the reference was given or information that is additional to that required under the Protocol, including any further background checking we may undertake on You).

I understand that the Information collected will be stored for 5 years in accordance with the Protocol.

Full name (print): _____

Date of birth: _____

ASIC reference number (if relevant): _____

Signature: _____

Date: _____