



Australian Government
Australian Taxation Office

SMSF Member TFN Integrity Check Service (SMSFmemberTICK) Terms and Conditions

Version 0.1
November 2020

Terms and conditions of use for the Self-Managed Super Fund Member TFN Integrity Check (SMSFmemberTICK) Service

How these terms and conditions apply

By using SMSF member TFN integrity check Service, users acknowledge they are accepting the following terms and conditions of use.

When you use this service, the Australian Taxation Office (ATO) makes it available to you on the conditions of use current as at that time published on ato.gov.au.

We may alter these terms and conditions at any time. If we do so, this will be communicated prior to its implementation.

What is the SMSFmemberTICK Service

The SMSFmemberTICK Service is an electronic service that must be used by Self-Managed Super Funds (SMSFs) and their nominated intermediaries (software providers, tax agents, administrators etc.) to validate the Tax File Number (TFN) of an SMSF member.

SMSFmemberTICK Service requests are processed via Standard Business Reporting in single request messages in real-time.

The terms and conditions on the SMSFmemberTICK Service are to be read in conjunction with the SMSFmemberTICK Business Implementation Guide (BIG).

Who can access the SMSFmemberTICK Service

The SMSFmemberTICK Service is available to SMSFs and their nominated intermediaries.

A trustee may authorise a nominated intermediary to use this service on their behalf. Authorisations can be assigned using Access Manager which requires myGovID.

Using the SMSFmemberTICK Service

Computer system, software and data compatibility and risks

It is your responsibility to ensure you have taken appropriate and adequate precautions to ensure that the information obtained from this service is free of viruses or other contamination that may interfere with or damage your computer system, software or data.

The ATO accepts no liability for any interference with or damage to a user's computer system, software or data occurring in connection with or relating to this service.

Non availability, interruptions and faults using the service

Whilst we will make reasonable efforts to ensure that the service is made available, we make no guarantees to provide continuously available access to the service nor to provide access which is uninterrupted or fault free.

The ATO publishes information about systems maintenance, outages and metrics on the [ATO Superannuation Dashboard](#).

No warranties by the ATO

While the ATO has taken all reasonable care to ensure information provided to you via the service is accurate, the ATO does not give any warranty, make any representation as to, or accept responsibility for the accuracy, correctness, reliability, timeliness or completeness now or in the future of any information provided to you via the service.

Implementation of the service

For system performance and fraud protection reasons, the ATO may impose limits on how many SMSF members are queried by a user at any point in time or during a single day. The Commissioner may at any time, where reasonably necessary for the exercise of his/her powers and functions under the relevant laws, add to, remove, change or impose restrictions on, the functionalities of the service

Access and use of the service

The trustee of the SMSF or their nominated intermediary agrees to comply with any limit the ATO may impose on how SMSF members are searched at any point or over a period of time.

Commissioner's review of SMSFmemberTICK Service usage

The user understands that the Commissioner will conduct regular reviews of their compliance with these terms and conditions. If these reviews indicate anything of concern or that the trustee of the SMSF or their nominated intermediary has not complied with these terms and conditions or may be misusing the SMSFmemberTICK Service in any way, the Commissioner can:

- terminate a SMSF or their nominated intermediary's access to the SMSFmemberTICK Service
- impose penalties and / or take prosecution action
- refer the matter to their regulator.

The Commissioner will advise the SMSF of concerns with any of their products or services that have been subject to reviews or investigation and the outcome of any such activity.

The trustee of the SMSF or their nominated intermediary accepts that where the Commissioner has any concerns over an SMSF's use of the service, the Commissioner, in the interest of preserving the integrity of the SMSFmemberTICK Service and the protected information that it provides, reserves the right to terminate access to the service without notice until a full investigation has been completed.

The following are examples of when the Commissioner may choose to terminate access while concerns are investigated further:

- identified or suspected breach of these conditions of use and the SMSFmemberTICK BIG
- identified or suspected fraudulent activity in usage of the service
- unusual or inexplicable usage patterns
- failure to adequately engage or respond to a request for information from the Commissioner
- referrals from other regulators.

The Commissioner can re-establish access to the SMSFmemberTICK Service when all concerns have been adequately addressed and any deficiencies in the implementation or use of the service corrected.

Privacy obligations

The ATO is bound by the Privacy Act 1988 in terms of collection and handling of personal information and tax file numbers (TFNs). At or before the time you use the SMSFmemberTICK Service, or if that is not practicable, as soon as practicable after you use the service, you must ensure that any individuals whose personal information has been collected via the service are made aware of any matters referred to in subclause 5.2 of the Australian Privacy Principles as are reasonable in the circumstances.

Breach of terms and conditions

If you breach any of these terms and conditions, you must:

- immediately advise the ATO of that breach
- immediately stop using this service
- not use this service again until the ATO advises you can.

Appendix A

Definitions for the purpose of this document

'Commissioner' means the Commissioner of Taxation.

'myGovID' is the Australian Government service that provides you with and manages your digital identity that is used to access government services..

'Search request' means the single superannuation matching (SMSFmemberTICK Service) request that a SMSF or their nominated intermediary makes to the ATO to undertake searches of information the ATO holds about a SMSF member.

'Relationship Authorisation Manager (RAM)' is an Australian Government service that allows you to assign authorisation to others to access government online services on behalf of your business." **'Response to a search request'** means the **superannuation matching (SMSFmemberTICK Service) validation response** that is returned to a SMSF or their nominated intermediary as a result of a search request made by that SMSF or intermediary.

'Tax file number (TFN)' has the meaning given by section 202A of the *Income Tax Assessment Act 1936*.

'User' means user of SMSFmemberTICK and includes, but not limited to, trustees and person or legal entity authorised by SMSF to act on their behalf such as software providers and tax professionals".

'Nominated Intermediary' means persons authorised by the SMSF to act on their behalf and includes, but not limited to, service providers and tax professionals.