

THE VARI TECH PRIVACY CODE

Table of Contents

[Introduction](#)

[Summary of Principles](#)

[Scope and Application](#)

[Definitions](#)

[The Vari Tech Privacy Code in Detail](#)

[Principle 1 - Accountability](#)

[Principle 2 - Identifying Purposes for Collection of Personal Information](#)

[Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information](#)

[Principle 4 - Limiting Collection of Personal Information](#)

[Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information](#)

[Principle 6 - Accuracy of Personal Information](#)

[Principle 7 - Security Safeguards](#)

[Principle 8 - Openness Concerning Policies and Practices](#)

[Principle 9 - Customer and Employee Access to Personal Information](#)

[Principle 10 - Challenging Compliance](#)

[Additional Information](#)

Introduction

At Vari Tech, respecting privacy and personal information has always been an important part of our commitment to our customers and employees. That is why we have developed The Vari Tech Privacy Code. The Vari Tech Privacy Code is a statement of principles and guidelines regarding the minimum requirements for the protection of personal information provided by Vari Tech to its customers and employees. The objective of The Vari Tech Privacy Code is to promote responsible and transparent personal information management practices in a manner consistent with the provisions of the *Personal Information Protection and Electronic Documents Act* (Canada).

Vari Tech will continue to review The Vari Tech Privacy Code to make sure that it is relevant and remains current with changing technologies and laws.

Summary of Principles

Principle 1 - Accountability

Vari Tech is responsible for personal information under its control and shall designate one or more persons who are accountable for Vari Tech's compliance with the following principles.

Principle 2 - Identifying Purposes for Collection of Personal Information

Vari Tech shall identify the purposes for which personal information is collected at or before the time the information is collected.

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

The knowledge and consent of a customer or employee are required for the collection, use, or disclosure of personal information, except where inappropriate.

Principle 4 - Limiting Collection of Personal Information

Vari Tech shall limit the collection of personal information to that which is necessary for the purposes identified by Vari Tech. Vari Tech shall collect personal information by fair and lawful means.

Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information

Vari Tech shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by law.

Principle 6 - Accuracy of Personal Information

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

Principle 7 - Security Safeguards

Vari Tech shall protect personal information by security safeguards appropriate to the sensitivity of the information.

Principle 8 - Openness Concerning Policies and Practices

Vari Tech shall make readily available to customers and employees specific information about its policies and procedures relating to the management of personal information.

Principle 9 - Customer and Employee Access to Personal Information

Vari Tech shall inform a customer or employee of the existence, use, and disclosure of his or her personal information upon request and shall give the individual access to that information. A customer or employee shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Principle 10 - Challenging Compliance

A customer or employee shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for Vari Tech's compliance with The Vari Tech Privacy Code.

Scope and Application

The ten principles that form the basis of The Vari Tech Privacy Code are interrelated and Vari Tech shall adhere to the ten principles as a whole. Each principle must be read in conjunction with the accompanying commentary. As permitted by the *Personal Information Protection and Electronic Documents Act* (Canada), the commentary in The Vari Tech Privacy Code has been drafted to reflect personal information issues specific to Vari Tech.

The scope and application of The Vari Tech Privacy Code are as follows:

- The Vari Tech Privacy Code applies to personal information collected, used, or disclosed by Vari Tech in the course of commercial activities.
- The Vari Tech Privacy Code applies to the management of personal information in any form whether oral, electronic or written.
- The Vari Tech Privacy Code does not impose any limits on the collection, use or disclosure of the following information by Vari Tech:
 - (a) an individual's name, address and telephone number that appears in a telephone directory that is available to the public, where the individual can refuse to have their personal information appear in the directory;
 - (b) an employee's name, title, business address or business telephone, e-mail or fax number; or
 - (c) other information about the individual that is publicly available and is specified by regulation pursuant to the *Personal Information Protection and Electronic Documents Act* (Canada).
- The Vari Tech Privacy Code will not typically apply to information regarding Vari Tech's corporate customers. However, such information may be protected by other Vari Tech policies and practices and through contractual arrangements.

- The application of The Vari Tech Privacy Code is subject to the requirements and provisions of the *Personal Information Protection and Electronic Documents Act* (Canada), the regulations enacted thereunder, and any other applicable legislation or regulation.

Definitions

collection: The act of gathering, acquiring, recording, or obtaining personal information from any source, including third parties, by any means.

consent: Voluntary agreement for the collection, use and disclosure of personal information for defined purposes. Consent can be either express or implied and can be provided directly by the individual or by an authorized representative. Express consent can be given orally, electronically or in writing, but is always unequivocal and does not require any inference on the part of Vari Tech. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.

customer: An individual who purchases or otherwise acquires or uses any of Vari Tech's products or services or otherwise provides personal information to Vari Tech in the course of Vari Tech's commercial activities.

disclosure: Making personal information available to a third party.

employee: An employee of or independent contractor to Vari Tech.

personal information: Information about an identifiable individual, but does not include aggregated information that cannot be associated with a specific individual or the name, title or business address or business telephone number, e-mail or fax number of an employee of an organization.

Vari Tech: Vari Tech Systems Inc.

third party: An individual or organization outside of Vari Tech.

use: The treatment, handling, and management of personal information by and within Vari Tech or by a third party with the knowledge and approval of Vari Tech.

The Vari Tech Privacy Code in Detail

Principle 1 - Accountability

Vari Tech is responsible for personal information under its control and shall designate one or more persons who are accountable for Vari Tech's compliance with the following principles.

- 1.1 Responsibility for compliance with the provisions of The Vari Tech Privacy Code rests with the Vari Tech Privacy Officer who can be reached at **[INSERT PHONE NUMBER]** or via **[INSERT E-MAIL]**. Other individuals within Vari Tech may be delegated to act on behalf of The Vari Tech Privacy Officer or to take responsibility for the day-to-day collection and processing of personal information.
- 1.2 Vari Tech shall make known, upon request, the title of the person or persons designated to oversee Vari Tech's compliance with The Vari Tech Privacy Code.
- 1.3 Vari Tech is responsible for personal information in its possession or control. Vari Tech shall use contractual or other means to provide a comparable level of protection while information is being processed or used by a third party.
- 1.4 Vari Tech shall implement policies and procedures to give effect to The Vari Tech Privacy Code, including:
 - (a) implementing procedures to protect personal information and to oversee Vari Tech's compliance with The Vari Tech Privacy Code;
 - (b) implementing procedures to receive and respond to complaints or inquiries;
 - (c) training and communicating to staff about Vari Tech's policies and procedures; and
 - (d) developing information materials to explain Vari Tech's policies and procedures.

Principle 2 - Identifying Purposes for Collection of Personal Information

Vari Tech shall identify the purposes for which personal information is collected at or before the time the information is collected.

- 2.1 Vari Tech collects personal information only for the following purposes:
 - (a) to establish and maintain a responsible commercial relationship with customers;
 - (b) to manage and operate certain computer software;

- (c) to understand customer needs and preferences;
- (d) to develop, enhance, market or provide products and services;
- (e) to manage and develop Vari Tech's business operations, including personnel and employment matters; and
- (f) to meet legal and regulatory requirements.

Further reference to "identified purposes" mean the purposes identified in this Principle.

- 2.2 Vari Tech shall specify orally, electronically or in writing the identified purposes to the customer or employee at or before the time personal information is collected. Upon request, persons collecting personal information shall explain these identified purposes or refer the individual to a designated person within Vari Tech who can explain the purposes.
- 2.3 When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is permitted or required by law, the consent of the customer or employee will be acquired before the information will be used or disclosed for the new purpose.

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

The knowledge and consent of a customer or employee are required for the collection, use, or disclosure of personal information, except where inappropriate. In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual.

- 3.1 In obtaining consent, Vari Tech shall use reasonable efforts to ensure that a customer or employee is advised of the identified purposes for which personal information will be used or disclosed. Purposes shall be stated in a manner that can be reasonably understood by the customer or employee.
- 3.2 Generally, Vari Tech shall seek consent to use and disclose personal information at the same time it collects the information. However, Vari Tech may seek consent to use and/or disclose personal information after it has been collected, but before it is used and/or disclosed for a new purpose.
- 3.3 Vari Tech will require customers to consent to the collection, use and/or disclosure of personal information as a condition of the supply of a product or service only if such collection, use and/or disclosure is required to fulfill the identified purposes.

- 3.4 In determining the appropriate form of consent, Vari Tech shall take into account the sensitivity of the personal information and the reasonable expectations of its customers and employees.
- 3.5 In general, the purchase or use of products and services by a customer, or the acceptance of employment or benefits by an employee, constitutes implied consent for Vari Tech to collect, use and disclose personal information for the identified purposes.
- 3.6 A customer or employee may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Customers and employees may contact Vari Tech for more information regarding the implications of withdrawing consent.
- 3.7 Vari Tech may collect or use personal information without knowledge or consent if it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as when the individual is seriously ill or mentally incapacitated.
- 3.8 Vari Tech may collect, use or disclose personal information without knowledge or consent if seeking the consent of the individual might defeat the purpose of collecting, using or disclosing the information, such as in the investigation of a breach of an agreement or a contravention of a law.
- 3.9 Vari Tech may collect, use or disclose personal information without knowledge or consent in the case of an emergency where the life, health or security of an individual is threatened.
- 3.10 Vari Tech may use or disclose personal information without knowledge or consent to a lawyer representing Vari Tech, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required or authorized by law.

Principle 4 - Limiting Collection of Personal Information

Vari Tech shall limit the collection of personal information to that which is necessary for the purposes identified by Vari Tech. Vari Tech shall collect personal information by fair and lawful means.

- 4.1 Vari Tech collects personal information primarily from its customers or employees.
- 4.2 Vari Tech may also collect personal information from other sources including credit bureaus, employers or personal references, or other third parties who represent that they have the right to disclose the information.

Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information

Vari Tech shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required or permitted by law. Vari Tech shall retain personal information only as long as necessary for the fulfillment of those purposes.

5.1 Vari Tech may disclose a customer's personal information to:

- (a) a third party who in the reasonable judgment of Vari Tech is seeking the information as an agent of the customer;
- (b) a third party involved in supplying the customer with Vari Tech products or services;
- (c) a third party engaged by Vari Tech to perform functions on its behalf;
- (d) a third party engaged by Vari Tech for the development, enhancement, marketing or provision of any of Vari Tech's products or services;
- (e) a third party used by Vari Tech to evaluate the customer's credit worthiness or to collect the customer's account;
- (f) a credit reporting agency;
- (g) a public authority or agent of a public authority if, in the reasonable judgment of Vari Tech, it appears that there is imminent danger to life or property which could be avoided or minimized by disclosure of the information; or
- (h) a third party or parties, where the customer consents to such disclosure or disclosure is required or permitted by law.

5.2 Vari Tech may disclose personal information about its employees:

- (a) for normal personnel and benefits administration;
- (b) in the context of providing references regarding current or former employees in response to requests from prospective employers; or
- (c) where the employee consents to such disclosure or disclosure is required or permitted by law.

5.3 Only Vari Tech's employees with a business need-to-know, or whose duties reasonably so require, are granted access to personal information about customers and employees.

- 5.4 Vari Tech shall keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law. Depending on the circumstances, where personal information has been used to make a decision about a customer or employee, Vari Tech shall retain, for a period of time that is reasonably sufficient to allow for access by the customer or employee, either the actual information or the rationale for making the decision.
- 5.5 Vari Tech shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to personal information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased or made anonymous.

Principle 6 - Accuracy of Personal Information

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

- 6.1 Personal information used by Vari Tech shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about a customer or employee.
- 6.2 Vari Tech shall update personal information about customers and employees as necessary to fulfill the identified purposes or upon notification by the individual.

Principle 7 - Security Safeguards

Vari Tech shall protect personal information by security safeguards appropriate to the sensitivity of the information.

- 7.1 Vari Tech shall protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures, regardless of the format in which it is held.
- 7.2 Vari Tech shall protect personal information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.
- 7.3 All of Vari Tech's employees with access to personal information shall be required to respect the confidentiality of that information.

Principle 8 - Openness Concerning Policies and Practices

Vari Tech shall make readily available to customers and employees specific information about its policies and procedures relating to the management of personal information.

- 8.1 Vari Tech shall make information about its policies and procedures easy to understand, including:
- (a) the title and address of the person or persons accountable for Vari Tech's compliance with The Vari Tech Privacy Code and to whom inquiries or complaints can be forwarded;
 - (b) the means of gaining access to personal information held by Vari Tech;
 - (c) a description of the type of personal information held by Vari Tech, including a general account of its use; and
 - (d) a description of what personal information is made available to third parties.
- 8.2 Vari Tech shall make available information to help customers and employees exercise control of the collection, use and/or disclosure of their personal information and, where applicable, privacy-enhancing services available from Vari Tech.

Principle 9 - Customer and Employee Access to Personal Information

Upon request, Vari Tech shall inform a customer or employee of the existence, use, and disclosure of his or her personal information and shall give the individual access to that information. A customer or employee shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

- 9.1 Upon request, Vari Tech shall afford customers and employees a reasonable opportunity to review the personal information in the individual's file. Personal information shall be provided in understandable form within a reasonable time, and at minimal or no cost to the individual.
- 9.2 In certain situations, Vari Tech may not be able to provide access to all the personal information that it holds about a customer or employee. For example, Vari Tech may not provide access where information is prohibitively costly to provide. Vari Tech may not provide access to information if doing so would likely reveal personal information about a third party or could reasonably be expected to threaten the life or security of another individual. Also, Vari Tech may not provide access to information if disclosure would reveal confidential commercial information, if the information is protected by solicitor - client privilege, if the information was generated in the course of a formal dispute resolution

process, or if the information was collected in relation to the investigation of a breach of an agreement or a contravention of a law. If access to personal information cannot be provided, Vari Tech shall provide the reasons for denying access upon request.

- 9.3 Upon request, Vari Tech shall provide an account of the use and disclosure of personal information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, Vari Tech shall provide a list of third parties to which it may have disclosed personal information about the individual when it is not possible to provide an actual list.
- 9.4 In order to safeguard personal information, a customer or employee may be required to provide sufficient identification information to permit Vari Tech to account for the existence, use and disclosure of personal information and to authorize access to the individual's file. Any such information shall be used only for this purpose.
- 9.5 Vari Tech shall promptly correct or complete any personal information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, Vari Tech shall transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.
- 9.6 Customers and employees can obtain information or seek access to their individual files by contacting the Vari Tech Privacy Officer.

Principle 10 - Challenging Compliance

A customer or employee shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for Vari Tech's compliance with The Vari Tech Privacy Code.

- 10.1 Vari Tech shall maintain procedures for addressing and responding to all inquiries or complaints from its customers and employees regarding Vari Tech's handling of personal information.
- 10.2 Vari Tech shall inform its customers and employees about the existence of these procedures as well as the availability of complaint procedures.
- 10.3 The person or persons accountable for compliance with The Vari Tech Privacy Code may seek external advice where appropriate before providing a final response to individual complaints.

10.4 Vari Tech shall investigate all complaints concerning compliance with The Vari Tech Privacy Code. If a complaint is found to be justified, Vari Tech shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A customer or employee shall be informed of the outcome of the investigation regarding his or her complaint.

Additional Information

For more information regarding The Vari Tech Privacy Code, please contact the Vari Tech Privacy Officer at 1-866-231-7068 or via solutions@varitechsystems.com

For a copy of the *Personal Information Protection and Electronic Documents Act* (Canada), please visit the Privacy Commissioner of Canada's web site at: www.privcom.gc.ca.