

# THE MARITZ CANADA INC. PRIVACY CODE

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## Introduction

At Maritz respecting privacy is an important part of our commitment to our corporate clients, program participants and employees. That is why we have developed The Maritz Canada Inc. Privacy Code. The Maritz Canada Inc. Privacy Code is a statement of principles and guidelines regarding the minimum requirements for the protection of personal information provided by Maritz to its program participants and employees. The objective of The Maritz Canada Inc. 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).

Maritz will continue to review The Maritz Canada Inc. Privacy Code to make sure that it is relevant and remains current with changing industry standards, technologies and laws. The Maritz Canada Inc. Privacy Code was last revised **July 21, 2005**.

## Summary of Principles

### Principle 1 - Accountability

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

### Principle 2 - Identifying Purposes for Collection of Personal Information

Maritz shall identify the purposes for which personal information is collected at or before the time the information is collected. Where appropriate, Maritz may require corporate clients or program administrators to 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 program participant or employee are required for the collection, use, or disclosure of personal information, except where exempted by law. Where appropriate, Maritz may require corporate clients or program administrators to acquire the consent of a program participant or employee for the collection, use, or disclosure of personal information.

### **Principle 4 - Limiting Collection of Personal Information**

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

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

Maritz 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.

### **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**

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

### **Principle 8 - Openness Concerning Policies and Procedures**

Maritz shall make readily available to program participants and employees specific information about its policies and procedures relating to the management of personal information.

### **Principle 9 - Individual Access to Personal Information**

Maritz shall inform a program participant or employee of the existence, use, and disclosure of his or her personal information upon request and shall provide the individual access to that information. A program participant 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 program participant or employee shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for Maritz' compliance with The Maritz Canada Inc. Privacy Code.

### **Scope and Application**

The ten principles that form the basis of The Maritz Canada Inc. Privacy Code are interrelated and Maritz 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 Maritz Canada Inc. Privacy Code has been drafted to reflect personal information issues specific to Maritz.

The scope and application of The Maritz Canada Inc. Privacy Code are as follows:

- The Maritz Canada Inc. Privacy Code applies to personal information collected, used, or disclosed by Maritz in the course of commercial activities.
- The Maritz Canada Inc. Privacy Code applies to the management of personal information in any form whether oral, electronic or written.
- The Maritz Canada Inc. Privacy Code does not impose any limits on the collection, use or disclosure of the following information by Maritz:
  - (a) non-personally identifiable information;
  - (b) an employee's name, title or business address or telephone number;
  - (c) information that Maritz collects, uses or discloses for journalistic, artistic or literary purposes and does not collect, use or disclose for any other purpose; or
  - (d) other information about an individual that is publicly available and is specified by regulation pursuant to the Personal Information Protection and Electronic Documents Act (Canada).
- The Maritz Canada Inc. Privacy Code will not typically apply to information regarding Maritz' corporate clients. However, such information may be protected by other Maritz policies and procedures or through contractual arrangements.
- The application of The Maritz Canada Inc. 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 Maritz. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.

**corporate client:** An organization that uses contractual or other means to engage Maritz to collect, use or disclose personal information in the course of Maritz' commercial activities.

**program administrator:** A person who manages a participant program on behalf of a corporate client.

**program participant:** An individual who acquires or uses any of Maritz' products or services or otherwise provides personal information to Maritz in the course of Maritz' commercial activities.

**disclosure:** Making personal information available to a third party.

**employee:** An employee of or independent contractor to Maritz.

**personal information:** Information about an identifiable individual, but does not include the name, title, business address or telephone number of an employee of an organization.

**Maritz:** Maritz Canada Inc., which is located in Mississauga, Ontario, Canada.

**Maritz Inc.:** Maritz Canada Inc.'s international corporate headquarters and "parent" company, which is located in St. Louis, Missouri, U.S.

**third party:** An individual or organization outside of Maritz.

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

## **The Maritz Canada Inc. Privacy Code in Detail**

### **Principle 1 - Accountability**

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

- 1.1 Responsibility for compliance with the provisions of The Maritz Canada Inc. Privacy Code rests with the Maritz Canada Inc. Privacy Officer who can be reached at 1-866-711-0013 or via [PrivacyOfficer@Maritz.com](mailto:PrivacyOfficer@Maritz.com). Other individuals within Maritz may be delegated to act on behalf of The Maritz Canada Inc. Privacy Officer or to take responsibility for the day-to-day collection and/or processing of personal information.
- 1.2 Maritz shall make known, upon request, the title of the person or persons designated to oversee Maritz' compliance with The Maritz Canada Inc. Privacy Code.
- 1.3 Maritz is responsible for personal information in its possession or control. Maritz shall use contractual or other means to provide a comparable level of protection while information is being processed or used by a third party. For example, Maritz uses contractual means with Maritz Inc. for the processing and storage of personal information.
- 1.4 Maritz implements policies and procedures to give effect to The Maritz Canada Inc. Privacy Code, including:
  - (a) implementing procedures to protect personal information and to oversee Maritz' compliance with The Maritz Canada Inc. Privacy Code;

- (b) implementing procedures to receive and respond to complaints or inquiries;
- (c) training employees to understand and follow Maritz' policies and procedures;
- (d) developing information materials to explain Maritz' policies and procedures; and
- (e) reviewing on an annual basis the effectiveness of the policies and procedures to facilitate compliance with The Maritz Canada Inc. Privacy Code and consideration of any revision as deemed appropriate.

## **Principle 2 - Identifying Purposes for Collection of Personal Information**

***Maritz shall identify the purposes for which personal information is collected at or before the time the information is collected. Where appropriate, Maritz may require corporate clients or program administrators to identify the purposes for which personal information is collected at or before the time the information is collected.***

2.1 Maritz generally collects personal information only for the following purposes:

- (a) to identify program participants and employees;
- (b) to establish and maintain a responsible commercial relationship with program participants;
- (c) to protect program participants and Maritz against error and fraud;
- (d) to understand program participant and employee needs and establish eligibility for products and services;
- (e) to develop, enhance or provide products and services;
- (f) to recommend particular products and services to meet program participant and employee needs;
- (g) to manage and develop Maritz' business operations, including personnel and employment matters; and
- (h) to meet legal and regulatory requirements.

Maritz' experience extends to the automotive, information technology, financial services, telecommunications, transportation, manufacturing and pharmaceutical industries. As a result, our core areas of expertise sometimes collect personal information for specific identified purposes. As a result, respective core areas of expertise or Maritz programs may further identify the purposes for which personal information is collected at or before the time the information is collected.

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

2.2 Maritz shall specify orally, electronically or in writing the identified purposes to the program participant or employee at or before the time personal information is collected. Where appropriate, Maritz may require corporate clients or program administrators to specify orally, electronically or in writing the identified purposes to the program

participant 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 Maritz, the corporate client or program administrator 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 program participant or employee will be acquired before the information will be used or disclosed for the new purpose.
- 2.4 Maritz shall document the purposes for which personal information is collected prior to the information being collected.
- 2.5 Maritz shall make reasonable efforts to ensure that individuals are aware of the purposes for which personal information is collected, including any disclosures to third parties.

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

***The knowledge and consent of a program participant or employee are required for the collection, use, or disclosure of personal information, except where exempted by law. Where appropriate, Maritz may require corporate clients or program administrators to acquire the consent of a program participant or employee for the collection, use, or disclosure of personal information. In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual.***

- 3.1 In obtaining consent, Maritz shall use reasonable efforts to ensure that a program participant or employee is advised of the identified purposes for which personal information will be used or disclosed. Where appropriate, Maritz may require that corporate clients or program administrators use reasonable efforts to ensure that a program participant or employee is advised of the identified purposes for which personal information will be used or disclosed. The identified purposes shall be stated in a manner that can be reasonably understood by the program participant or employee.
- 3.2 Generally, Maritz, a corporate client or program administrator, as appropriate, shall seek consent to use and disclose personal information at the same time it collects the information. However, Maritz, a corporate client or program administrator, as appropriate, 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 Maritz, a corporate client or program administrator, as appropriate, may require program participants 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 explicitly specified and legitimate identified purposes.
- 3.4 In determining the appropriate form of consent, Maritz, a corporate client or program administrator, as appropriate, shall take into account the sensitivity of the personal information and the reasonable expectations of program participants and employees.

- 3.5 The purchase or use of products and services by a program participant, or the acceptance of employment or benefits by an employee, may constitute implied consent for Maritz to collect, use and disclose personal information for the identified purposes.
- 3.6 A program participant or employee may withdraw consent at any time, subject to legal or contractual restrictions, provided that reasonable notice of withdrawal of consent is provided to Maritz, a corporate client or program administrator, as appropriate, and the withdrawal of consent is in writing and includes an understanding by the individual that withdrawal of consent could mean that Maritz cannot provide the individual with a related product or service. Program participants and employees may contact Maritz, a corporate client or program administrator, as appropriate, for more information regarding the implications of withdrawing consent.
- 3.7 Maritz 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 Maritz 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 Maritz 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 Maritz may use or disclose personal information without knowledge or consent to a lawyer representing Maritz, 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**

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

- 4.1 Maritz collects personal information primarily from its program participants or employees.
- 4.2 Maritz may also collect personal information from other sources including program administrators, 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**

***Maritz 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. Maritz shall retain personal information only as long as necessary for the fulfillment of those purposes.***

- 5.1 Maritz may disclose a program participant's personal information to:

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

5.2 Maritz 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;
- (c) to a third party who in the reasonable judgment of Maritz is seeking the information as an agent of the employee;
- (d) a public authority or agent of a public authority if, in the reasonable judgment of Maritz, it appears that there is imminent danger to life or property which could be avoided or minimized by disclosure of the information; or
- (e) where the employee consents to such disclosure or disclosure is required or permitted by law.

5.3 Only Maritz' employees with a business need-to-know, or whose duties reasonably so require, are granted access to personal information about program participants and employees.

5.4 Maritz 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 program participant or employee, Maritz shall retain, for a period of time that is reasonably sufficient to allow for access by the program participant or employee, either the actual information or the rationale for making the decision.

5.5 Maritz 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 Maritz 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 program participant or employee.
- 6.2 Maritz shall update personal information about program participants and employees as necessary to fulfill the identified purposes or upon notification by the individual.

## **Principle 7 - Security Safeguards**

***Maritz shall protect personal information by security safeguards appropriate to the sensitivity of the information.***

- 7.1 Maritz 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 Maritz 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 Maritz' employees with access to personal information shall be contractually required to respect the confidentiality of that information.
- 7.4 The nature of the safeguards will vary depending on the sensitivity, amount, distribution and format of the information, and the method of storage. More sensitive information will be safeguarded by a higher level of protection.
- 7.5 The methods of protection will include:
  - (a) physical measures, for example, locked filing cabinets and restricted access to offices;
  - (b) organizational measures, for example, controlling entry to data centers and limiting access to information on a "need-to-know" basis;
  - (c) technological measures, for example, the use of passwords and encryption; and
  - (d) investigative measures, in cases where Maritz has reasonable grounds to believe that personal information is being inappropriately collected, used or disclosed.

## **Principle 8 - Openness Concerning Policies and Procedures**

***Maritz shall make readily available to program participants and employees specific information about its policies and procedures relating to the management of personal information.***

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

### **Principle 9 - Individual Access to Personal Information**

***Upon request, Maritz shall inform a program participant or employee of the existence, use, and disclosure of his or her personal information and shall provide the individual access to that information. A program participant or employee shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.***

- 9.1 Upon request, Maritz shall afford program participants 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, Maritz may not be able to provide access to all the personal information that it holds about a program participant or employee. For example, Maritz 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, Maritz 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, used or disclosed in relation to the investigation of a breach of an agreement or a contravention of law.
- 9.3 Upon request, Maritz 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, Maritz 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. Personal information that is disclosed to third parties by Maritz will be subject to the general laws of application in the jurisdiction in which the third party conducts business. As a result, and in certain limited situations, Maritz may not legally be permitted to account for certain collections, uses and disclosures of personal information.

- 9.4 In order to safeguard personal information, a program participant or employee may be required to provide sufficient identification information to permit Maritz 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 Maritz 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, Maritz 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 Program participants and employees can obtain information or seek access to their individual files by contacting the Maritz Canada Inc. Privacy Officer.

### **Principle 10 - Challenging Compliance**

***A program participant or employee shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for Maritz' compliance with The Maritz Canada Inc. Privacy Code.***

- 10.1 Maritz shall maintain procedures for addressing and responding to all inquiries or complaints from its program participants and employees regarding Maritz' handling of personal information.
- 10.2 Maritz shall inform its program participants 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 Maritz Canada Inc. Privacy Code may seek external advice where appropriate before providing a final response to individual complaints.
- 10.4 Maritz shall investigate all complaints concerning compliance with The Maritz Canada Inc. Privacy Code. If a complaint is found to be justified, Maritz shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A program participant or employee shall be informed of the outcome of the investigation regarding his or her complaint.

### **Additional Information**

For more information regarding The Maritz Canada Inc. Privacy Code, please contact the Maritz Canada Inc. Privacy Officer at 1-866-711-0013 or via [PrivacyOfficer@Maritz.com](mailto:PrivacyOfficer@Maritz.com). Access requests, inquiries or complaints should be addressed in writing to:

Maritz Canada Inc. Privacy Officer  
6900 Maritz Drive  
Mississauga, Ontario L5W 1L8

Please visit the Privacy Commissioner of Canada's web site at [www.privcom.gc.ca](http://www.privcom.gc.ca).