



## ERCO Worldwide Privacy Policy

### Purpose and Scope

This Policy describes and governs the collection, use and disclosure of Personal Information by ERCO Worldwide LP (together with its divisions, partnerships, affiliates and subsidiaries, including any and all internal governance bodies, "ERCO").

ERCO is committed to complying with all applicable laws and this Policy in managing the confidentiality, security and accuracy of Personal Information in ERCO's possession. All Representatives (and any third party who has been provided Personal Information in connection with their supply of goods or services to ERCO) must comply with this Policy.

### Definitions

In this Policy the following capitalized terms have the meanings set out below:

"**ERCO**" means ERCO Worldwide LP together with its divisions, partnerships, affiliates and subsidiaries, including any and all internal governance bodies.

"**Personal Information**" means information about an identifiable individual, other than the person's business title or business contact information when used or disclosed for the purpose of business communications.

"**Policy**" means this privacy policy, as may be amended from time to time.

"**Privacy Officer**" means the VP of Human Resources of ERCO.

"**Representative**" means a director, officer, employee or independent contractor of Superior. For certainty, independent contractor includes an individual acting as a consultant or performing other services for ERCO who is not a director, officer or employee.



## Collection of Personal Information

ERCO collects, uses and discloses Personal Information about its customers, suppliers, Representatives, and other individuals with whom it has contact in the course of conducting its normal business operations. Personal Information may include:

- a) identification and contact information: including, but not limited to, name, address, telephone number, and email address;
- b) financial information: including, but not limited to, credit information, billing records, accounts receivable and payment information and tax related information;
- c) business relationship and operations information: including, but not limited to, customer and supplier service requests, customer addresses and personal contacts, credit information, billing records, service and equipment records, any recorded customer complaints, investor contact information and requests, agreement terms and preferences, property holder information necessary for administration of our leases and operations, and information necessary to effect emergency response plans;
- d) technical information: including, but not limited to, device, browser, page visits, preferences and other information that is automatically collected by cookies, third party analytics tools including Google Analytics, and similar technologies when individuals visit ERCO websites.

In addition to the foregoing, in the case of a Representative, Personal Information may also include:

- a) home and personal email address, date of birth, social insurance number, marital and dependent status, videos, photographs, and beneficiary and emergency contact information;
- b) employment information including, but not limited to, a Representative's job title, resumes and/or applications, interview notes, letters of offer and acceptance of employment, compensation and benefit information, background verification information, drivers' abstracts, employment references, and evaluations;
- c) benefit information: including, but not limited to, information relating to the application or change of employee health and welfare benefits, including but not limited to health care, life insurance, short and long term disability, medical and dental care; and
- d) other information necessary for ERCO's business purposes, which may be voluntarily disclosed or collected in the course of a Representative's application to and employment with ERCO.



ERCO seeks to limit the collection of Personal Information to items that are necessary to achieve its business purpose. As a general rule, ERCO collects Personal Information directly from the individual it pertains to. If third parties hold information ERCO requires, ERCO will endeavour to ensure the information has been collected with the appropriate consent.

Where permitted or required by applicable law or regulatory requirements, ERCO may collect Personal Information about an individual without their knowledge or consent.

## Why We Collect Personal Information

ERCO collects Personal Information to manage and develop its business and operations, including, but not limited to:

- a) establishing, managing and terminating business relations with customers and suppliers;
- b) protection against error, fraud, theft damage or nuisance relating to ERCO's assets, operations or reputation and securing company-held information;
- c) undertaking our environmental, health and safety activities, including incident planning, emergency response and investigation;
- d) compliance with applicable law or regulatory requirements;
- e) determining eligibility for initial employment, including the verification of references and qualifications;
- f) administration of pay and benefits;
- g) establishing training and/or development requirements and assessing qualifications for a particular job or task;
- h) performance reviews and determining performance requirements;
- i) processing employee work-related claims (e.g. worker compensation, insurance claims, etc.);
- j) evidencing for disciplinary action, or employment termination; and
- k) any other reasonable business purpose.

## Use and Disclosure of Personal Information

ERCO may use and disclose Personal Information provided it is reasonably required in the following circumstances:

- a) for purposes described in this Policy;
- b) where the information is publicly available;



- c) where necessary to protect the rights and property of ERCO;
- d) when emergencies occur or where it is necessary to protect the safety of a person or group of persons;
- e) where required by Representatives and other parties (including its related business entities or affiliates) who require Personal Information to assist in establishing, maintaining and managing ERCO's relationship with an individual, including third parties that provide services to ERCO or on ERCO's behalf or third parties that collaborate with ERCO in the provision of services to an individual;
- f) where required by a third party, in the event of a change in ownership of or granting of security interests in all or a part of ERCO through, for example, some form of merger, purchase, sale, lease, amalgamation or other form of business combination, provided that the parties are bound by appropriate agreements or obligations which require them to collect, use or disclose Personal Information in a manner consistent with the use and disclosure provisions of this Policy, unless an individual otherwise objects; or
- g) ERCO has otherwise obtained an individual's consent.

ERCO will not disclose your Personal Information to third parties without consent or legal authority to do so. ERCO reserves the right to disclose Personal Information if required to do so by law or in good faith that such action is reasonably necessary to comply with legal process, respond to claims or to protect the rights, property or safety of ERCO, its customers, service providers or the public.

**ERCO does not sell customer information to third parties.**

ERCO may also use or disclose Personal information to third parties without an individual's knowledge or consent where it is permitted to do so by law.

ERCO and its service providers may store or process Personal Information outside the jurisdiction of the individual who provided the Personal Information. In those circumstances, the governments, courts, law enforcement, national security, or regulatory agencies of such other jurisdictions may be able to obtain access to Personal Information through the laws of the foreign country.

## **Protection of Personal Information**

ERCO endeavours to maintain physical, technical, and procedural safeguards that are appropriate to the sensitivity of the Personal Information in question. These safeguards



are designed to prevent Personal Information from loss and unauthorized access, copying, use, modification or disclosure. These safeguards include: password, encryption and other electronic security means; locked or limited access premises and file cabinets; and security monitoring or premises.

## **Retention of Personal Information**

Except as otherwise permitted or required by applicable law or regulatory requirements, ERCO retains Personal Information only for as long as it believes is necessary to fulfill the purposes for which the Personal Information was collected (including, for the purpose of meeting any legal, accounting or other reporting requirements or obligations). ERCO may, instead of destroying or erasing Personal Information, make it anonymous such that it cannot be associated with or tracked back to a specific individual.

## **Updating Personal Information**

It is important that Personal Information contained in ERCO's records is both accurate and current. ERCO asks that Representatives, customers and suppliers keep it informed of changes to Personal Information during the course of the individual's employment or business relationship.

If an individual believes the Personal Information about them held by ERCO is not correct, the individual may request an update of that information by making a request to the Privacy Officer. In some circumstances ERCO may not agree with the request to change an individual's Personal Information and will instead append an alternative text to the record in question.

When required by local law, the Privacy Officer will deliver to the requesting individual a copy of the modified or added information with written confirmation that the Personal Information has been modified.

## **Accessing Personal Information**

An individual may ask to see the Personal Information that ERCO holds about them. If someone wants to review, verify or correct their Personal Information, they may contact our Privacy Officer. Please note that any such communications must be in writing.

When making an access request, ERCO may require specific information from an individual to confirm their identity and their right to access the Personal Information. To the extent permitted by law, ERCO may charge a fee to access Personal Information; but it will advise



of any fee in advance. If help is needed in preparing a request, please contact the office of our Privacy Officer. Where Personal Information will be disclosed to an individual, ERCO will endeavour to provide the information in question within a reasonable time and no later than 30 days following the request.

An individual's right to access the Personal Information is not absolute. There are instances where applicable law or regulatory requirements permit or require ERCO to refuse a Personal Information access request, such as when:

- a) information is prohibitively costly to provide;
- b) information contains references to other individuals;
- c) information cannot be disclosed for legal, security or commercial proprietary reasons; and
- d) information is subject to solicitor-client or litigation privilege.

To the extent required by law, if ERCO refuses an individual's Personal Information access request, the individual will be notified in writing of the reasons supporting the refusal and be informed of their recourses.

In addition, the Personal Information may no longer exist, may have been destroyed, erased or made anonymous in accordance with ERCO's record retention obligations and practices. ERCO's *Records Retention Policy* outlines procedures for the retention and subsequent disposition of ERCO records including those that contain Personal Information.

In the event that ERCO cannot provide an individual with access to their Personal Information, it will endeavour to inform that individual of the reasons why access has been denied, subject to any legal or regulatory restrictions.

## Consent

ERCO may collect, use or disclose Personal Information without an individual's knowledge or consent where it is permitted or required to do so by applicable law or regulatory requirements.

When a customer, supplier, Representative, or other individual provides ERCO with Personal Information, that individual consents to the collection, use and disclosure practices set out in this Policy as they relate to his or her Personal Information.

An individual is entitled to change or withdraw their consent at any time, subject to legal or contractual restrictions (and reasonable notice), by contacting the Privacy Officer using the contact information set out below. In some circumstances, a change in or withdrawal



of consent may limit ERCO's ability to provide products or services to, or acquire products or services from, that individual.

## Communication and Enforcement

It is essential that all Representatives understand and be responsible for abiding by this Policy.

A Representative who violates this Policy may face disciplinary action up to and including termination of employment; or, in the case of a Representative who is an independent contractor, termination of such Representative's contract with ERCO. If any organization misuses Personal Information of a Representative which has been provided to the organization in connection with the supply of goods or services to ERCO, it will be considered a serious issue for which appropriate action may be taken, including termination of the service agreement or court action.

If a Representative has a question about: (a) access to Personal Information, (b) the collection, use, management or disclosure of Personal Information, (c) changing or withdrawing consent with respect to Personal Information, or (d) obtaining more information about this Policy or relevant legislation, please contact the office of ERCO's Privacy Officer by telephone, in writing or by e-mail at:

5050 Satellite Drive  
Mississauga, Ontario L4W 0G1  
Attention: Privacy Officer  
[ccowan@ercoworldwide.com](mailto:ccowan@ercoworldwide.com)  
(416) – 226-5357

ERCO endeavours to answer all questions raised in a timely manner, and advise individuals in writing of any steps taken to address an issue brought forward. If an individual is not satisfied with ERCO's response, that Representative may be entitled to make a written submission to the privacy authority applicable for their jurisdiction.

## References

ERCO's Records Retention Policy  
Data Breach Response Plan



## Interpretation of this Privacy Policy

Any interpretation associated with this Policy will be made by ERCO's Privacy Officer. This Privacy Policy includes examples but is not intended to be restricted in its application to such examples, therefore where the word "including" is used, it shall mean "including without limitation." This Privacy Policy does not impose upon ERCO any obligations, or create or confer upon any individual any rights, outside of, or in addition to, those imposed by applicable privacy laws.

## Policy Revision

ERCO will review and revise this Policy from time to time to reflect changes in legal or regulatory obligations or changes in the manner in which it deals with Personal Information. Any revised version of this Policy will be posted, and individuals are encouraged to refer back to it on a regular basis.

Should there be, in a specific case, an inconsistency between this Policy and any privacy legislation applicable to that case, this Policy shall be interpreted, in respect of that case, to give effect to, and comply with, that privacy legislation.