

## **APPENDIX 12**

# **CanWest DHI Privacy Policy**

(Most recently amended: June 4, 2008)

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### **I. Scope and Application**

CanWest DHI will comply with:

- Personal Information Protection and Electronic Documents Act ("PIPEDA"), a federally enacted act that protects personal information that is collected, used or disclosed.
- Other acts which protect personal information and privacy.
- Any future provincial protection of privacy legislation as it relates to the rights of customers and employees.

CanWest DHI's Privacy Policy applies to personal information about CanWest DHI's customers, employees and other individuals whom CanWest DHI collects, uses or discloses information. This Policy is subject to change, and may be supplemented or modified by additional terms applicable between CanWest DHI and an individual.

## **II. Definitions**

Collection: the act of gathering, acquiring, recording, or obtaining personal information.

Consent: voluntary agreement with the collection, use and disclosure of personal information for defined purposes. Consent can be either express, implied or deemed, and can be provided directly by the individual or by an authorized representative. *Express* consent can be given orally, electronically or in writing. *Implied* consent is consent that can reasonably be inferred from an individual's action or inaction. *Deemed* consent is consent that is deemed to be given pursuant to applicable legislation or other regulations.

Disclosure: making personal information available to a third party.

Personal information: information about an identifiable individual, but does not include aggregated information that cannot be associated with a specific individual. Personal information also excludes certain information as is excluded pursuant to applicable legislation or other regulations, such as publicly available information or business contact information, as and when applicable.

Third party: an individual or organization outside CanWest DHI.

Use: the treatment, handling and management of personal information by and within an organization.

## **III. Summary of Privacy Code for CanWest DHI Customers**

Information will be collected through, and used for, the normal process of providing goods and services to customers. Information is available to customers and advisors through paper and electronic forms. Access to information through the Internet is protected by the use of P.I.N.'s. The release of P.I.N.'s or information by mail or email to advisors requires a signed consent form from customers. In the case of legal matters that require information from DHI, information will be released upon receipt of a written request from a lawyer and consent from the customer.

For herds on a Publishable service plan information may be published for awards and recognition purposes. Additionally, selected information from all customers will be provided to CDN for the calculation of genetic indexes and, where applicable, be provided to various breed associations for recognition and breed improvement.

Participation in DHI testing programs provides implied consent for the release of data to these third party organizations.

CanWest DHI provides marketing services to third party agricultural organizations. In doing so customers may, from time to time, receive unsolicited mail. This process also can require the release of information to a third party mailing-house for the distribution of material however, all information remains confidential and information will not be sold.

#### **IV. CanWest DHI Privacy Principles**

##### ***Principle 1: Accountability***

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

a) The Chief Privacy Officer is entitled to delegate day-to-day responsibility for administration of this Privacy Policy and related privacy policies and practices to other employees.

b) CanWest DHI is responsible for personal information in its possession or under its control. CanWest DHI shall use appropriate means to protect personal information while a third party is processing information on behalf of CanWest DHI.

c) CanWest DHI shall implement policies and procedures to give effect to the Policy, including:

- Implementing procedures to protect personal information and to oversee CanWest DHI's compliance with the Privacy Policy;
- Establishing procedures to receive and respond to inquiries or complaints;
- Training and communicating to staff about CanWest DHI's policies and practices; and
- Developing public information to explain CanWest DHI's policies and practices.

##### ***Principle 2: Purposes and Uses***

CanWest DHI shall identify and document the purposes for which personal information is collected at or before the time the personal information is collected or, when appropriate, at or before the time the personal information is used for a new purpose. The purposes will be limited to those which are related to our business and which a reasonable person would consider are appropriate in the circumstances.

We collect, use, and disclose Personal Information concerning our customers for the following reasons:

- a) To establish and maintain a responsible commercial relationship with customers.
- b) To develop, enhance, market and provide products and services to customers presently and in the future.
- c) To monitor and maintain the accuracy of client and herd information
- d) To provide data for the calculation of information for livestock improvement purposes.
- e) To provide data for the industry related research.
- f) To publish awards information and recognition of accomplishment. We collect, use, and disclose Personal Information concerning our employees to assist CanWest DHI in employee management including, but not excluded to:
  - a) Personal and Administrative Information
  - b) Benefit enrolment & calculation
  - c) Employment & Pay Equity data
  - d) Health & Safety and Grievance / Disciplinary Incidents
  - e) Employment & salary history
  - f) Performance Appraisals & Succession Planning

Personal Information will not be sold to third party agencies however, CanWest DHI may, from time to time, lease info through a third party, to provide marketing and mailing services to companies offering products and services of potential benefit to customers.

Employee information may, from time to time, be disclosed to a third party as necessary to facilitate the distribution of educational and news information of interest and personal or professional benefit to employees.

### ***Principle 3: Consent***

CanWest DHI will only collect, use and disclose Personal Information with the knowledge and consent of the individual, except where appropriate. CanWest DHI, in determining the appropriate form of consent, including whether it is expressed or implied, shall take into account the sensitivity of the personal information and the reasonable expectations of the individual.

In obtaining consent, CanWest DHI shall use reasonable efforts to ensure that an individual 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 individual.

CanWest DHI will require individuals to consent, to the collection, use or disclosure of personal information as a condition of the supply of a product or service only if such collection, use or disclosure is reasonably required to fulfill the identified purposes.

Generally, CanWest DHI shall seek consent to use and disclose personal information at the same time it collects the information. However, CanWest DHI may seek consent to use and disclose personal information after it has been collected, but before it is used or disclosed for a new purpose.

Written consent from each customer, or implied consent by receiving the appropriate PIN information from the advisor, which can only be provided by the customer or his agent, is required for the disclosure of data to herd advisors before information is disclosed. Where consent is required for a particular use or disclosure, an individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Individuals may contact CanWest DHI for more information regarding the implications of withdrawing consent.

CanWest DHI may disclose personal information without consent to a lawyer or other advisor representing CanWest DHI, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required or authorized by law. Individuals will be notified of this disclosure in advance.

***Principle 4: Limiting Collection***

CanWest DHI shall limit the collection of personal information to that which is necessary for the purposes identified by CanWest DHI and as permitted by law.

***Principle 5: Limiting Use, Disclosure and Retention***

CanWest DHI 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. CanWest DHI shall retain personal information only as long as necessary for the fulfillment of those purposes or as required or permitted by law.

CanWest DHI may disclose an individual's personal information to:

- a) a company or individual employed by CanWest DHI to perform functions on its behalf, such as but not limited to research or data processing;
- b) another company or individual for the development, enhancement, marketing or provision of any of CanWest DHI's products and services;
- c) a third party or parties, where the individual consents to such disclosure or disclosure is required or permitted by law.

Only CanWest DHI employees with a business need to know, or whose duties reasonably so require, are granted access to personal information about individuals.

Depending on the circumstances, where personal information has been used to make a decision about an individual, CanWest DHI shall retain, for a reasonable period of time, either the actual information or the rationale for making the decision.

CanWest DHI 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 or permitted by law to be retained. Such information shall be destroyed, erased or made anonymous.

Where appropriate, CanWest DHI may communicate updates of personal information to third parties.

***Principle 6: Accuracy***

CanWest DHI shall take steps to ensure that personal information is as accurate, complete and up-to-date as is appropriate for its purposes. We will use our best efforts to ensure that Personal Information that is used shall be sufficiently accurate, complete and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about an individual. CanWest DHI shall update personal information about individuals as and when reasonably necessary to fulfill the identified purposes or as reasonably requested by the individual.

***Principle 7: Safeguards***

CanWest DHI shall protect personal information by security safeguards appropriate to the sensitivity of the information. CanWest DHI shall take appropriate and reasonable steps to protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction. Employees of CanWest DHI will be made aware of the importance of maintaining the confidentiality of Personal Information to prevent unauthorized parties from gaining access to the information.

Safeguards used by CanWest DHI include physical measures (for example, locked filing cabinets and restricted access), organizational measures (for example, security clearances and limiting access on a “need-to-know” basis), and technological measures (for example, use of passwords and encryption).

CanWest DHI shall take appropriate and reasonable steps to protect personal information disclosed to third parties, for example by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.

***Principle 8: Openness***

CanWest DHI shall make readily available to individuals specific information about its policies and practices relating to the management of personal information. Copies of the Policy will be made available on the CanWest DHI website and in paper form upon request. CanWest DHI shall make information about its policies and procedures easy to understand, including:

- a) the title and addresses of the person or persons accountable for CanWest DHI's compliance with the Policy and to whom inquiries or complaints can be forwarded;
- b) the means of gaining access to personal information held by CanWest DHI;
- c) a description of the type of personal information held by CanWest DHI, including a general account of its use.

***Principle 9: Individual Access***

Upon request, CanWest DHI shall inform an individual of the existence, use and disclosure of his or her personal information, at minimal or no cost to the individual. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

In order to safeguard personal information, an individual may be required to provide sufficient identification information to permit CanWest DHI to authorize access to the individual's file. Individuals can seek access to their personal information by contacting a designated representative at CanWest DHI. CanWest DHI will endeavor to respond to all requests within 30 days or, in any event, as required or permitted by applicable law.

In certain situations, CanWest DHI may not be able to provide access to all the personal information that it holds about an individual. For example, CanWest DHI 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 an individual. Also, CanWest

DHI 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, CanWest DHI shall, upon request, provide the reasons for denying access.

***Principle 10: Inquiries and Challenges***

An individual shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for CanWest DHI's compliance with the Policy.

CanWest DHI shall maintain procedures for addressing and responding to all inquiries or complaints from individuals about CanWest DHI's handling of personal information. CanWest DHI shall inform its customers about the existence of these procedures as well as the availability of complaint procedures. The person or persons accountable for compliance with this Policy may seek external advice where appropriate before providing a final response to individual complaints.

**How to contact us:**

If you have any questions or comments about this Privacy Policy, or you feel that your concerns or complaints have not been resolved to your satisfaction, please contact us:

Customer Service (Toll Free): 1-800-549-4373

Fax: (519) 824-2434