

This Privacy Code informs you of the First Peoples Economic Growth Funds' (FPEGF) commitment to and policy on privacy. It tells you the ways FPEGF ensures that your privacy and the confidentiality of your information are protected.

The objective of FPEGF's 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) and other applicable privacy legislation.

The legal counsel of FPEGF will conduct periodic reviews of this Privacy Code to make sure that it remains current with changing standards, technologies and laws.

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## COMPLIANCE WITH LEGAL AND INDUSTRY STANDARDS

FPEGF will make every reasonable effort to comply with industry standards and applicable federal and provincial laws in Canada, including the *Personal Information Protection and Electronic Documents Act*.

## FPEGF's PRIVACY CODE

FPEGF's Privacy Code only applies to identifiable individuals whose personal information FPEGF collects, uses, retains and discloses in the course of commercial activities. When we use the words "personal information" or "information" in this Privacy Code, we mean information about an identifiable individual, with the exception of the name, title or business address or telephone number of an employee of an organization. Further, these terms do not include information that does not identify particular individuals, like aggregate statistics or anonymous data, or information which is publicly available, as specified in applicable laws.

## **PURPOSES FOR THE COLLECTION, USE, RETENTION AND DISCLOSURE OF INFORMATION ABOUT YOU**

The following are the purposes for the collection, use, retention and disclosure of personal information by FPEGF:

- To establish and maintain a relationship with you as a client and to provide services to you;
- To provide you with information about products, programs, services, conferences, training resources and upcoming events that may interest you;
- To administer the FPEGF's services, to assess the quality and quantity of FPEGFs' services, to maintain adequate accounting and tax records, and to have information in such form as the FPEGF may reasonably require for its business needs;
- To meet legal, regulatory and governmental requirements (including the requirements of the Government of Manitoba and as the funding source of the FPEGFs to detect and prevent fraud and to protect the interests of you, the FPEGF and Government of Manitoba; and
- To achieve any other purpose to which you have given your consent.

For clients who have not obtained a loan from FPEGF, the above-noted purposes differ in that the FPEGF is not required to maintain accounting and tax records related to such individuals. For loan clients, further details regarding FPEGF's purposes for the collection, use, retention and disclosure of personal information are outlined in your Loan Application Form with the FPEGF.

## **KEY PRINCIPLES**

FPEGFs' Privacy Code consists of the following key principles, which apply to all aspects of FPEGF's handling of an individual's personal information in the context of a commercial activity, including the collection, use, retention and disclosure of such information.

### **A. Collecting and Using Information**

FPEGFs collect and use information to establish and serve you as a client. FPEGFs gather and use your personal information to provide you with the services you have requested. FPEGFs collect, use, retain and disclose information about you only with your consent, except as outlined in this Privacy Code. In obtaining your consent, whether express or implied, the purposes for which FPEGF requires your information are outlined above. If FPEGF purposes differ from those outlined above, the FPEGF will advise you of its new purposes at the time of collection of your information.

FPEGF may depart from this consent principle in accordance with the limited exceptions described in this Privacy Code, when permitted by other written and posted policies established by the FPEGF, or where required or permitted by applicable laws (for instance, FPEGF may disclose personal information in an emergency to protect human life or safety).

- The information FPEGF collects depends on the service you have requested. For every client, FPEGF needs your contact information (your name, address and some identification). Here is why FPEGF needs some of the other information it asks you to provide a birth date, this helps FPEGF identify you and ensure that no one is trying to impersonate you.

- Social Insurance Number (SIN) FPEGF uses your SIN to keep your information separate from that of other clients with a similar name. For loan applicants, FPEGFs use your SIN to obtain information with your consent, through the credit approval process.

#### Financial Information

- For loan applicants, your financial information is used to assess your eligibility for a business loan.

#### Health Information

- For loan applicants, FPEGF requires your health information if you wish to apply for group creditor life insurance, as an insurance company will not provide such coverage unless you are eligible based on your health information. FPEGF only collects the information it needs and only uses it for the purposes explained to you.
- (Is there any surveillance of the site?)

FPEGF will only ask for the information it needs for the particular service you have requested and will only use it for the purposes outlined in this Privacy Code or, if applicable, outlined to you at the time of collection of your information, such as in the case of a loan applicant. When you apply for a new service, FPEGF will indicate how it intends to use your information if its purposes differ from those already outlined. FPEGF will advise which information would help it to serve you but is optional for you to provide.

With your consent, FPEGF may obtain information about you from third parties. Obtaining additional information about you from trustworthy third parties helps FPEGF assess your eligibility for its loans and services. For example, for loan applicants FPEGF needs to know your credit history. For this reason, FPEGF may contact other lenders or credit bureaus to give it information on your credit history. FPEGF may also contact employers or other personal references to verify information that you have given it. FPEGFs will not do this without your consent, but please remember that if you do not give your consent FPEGF will not be able to process your loan application and extend credit services to you.

## **B. Releasing Information**

Under no circumstances does FPEGF sell client lists or information to others. FPEGF will release your information to outside parties only under the following circumstances:

- Where FPEGF has your consent, whether express or implied. For example, for loan applicants, FPEGF will disclose your credit history with such other lenders or credit bureaus in order to support the credit approval process. In such cases, FPEGF will release the information required to identify you, as well as facts from its credit records about your repayment history.

For business clients, FPEGF may disclose your contact information to the Government of Manitoba and other related organizations, such as the Manitoba Women's Enterprise Centre or the Canada/Manitoba Business Service Centre, whose programs, services and/or products also may interest you. If you do not want FPEGF to provide

your contact information to those other related organizations, please advise FPEGF. (May need to provide an easy opt out option like a check box or 1-800 number)

- To suppliers and agents who assist FPEGF in servicing you and whom FPEGF can reasonably trust to respect your privacy.

For example, FPEGF will disclose your name and address to a courier company making a delivery to you at its request. In such cases, FPEGF will only make disclosure to the extent necessary and whenever possible, require that the party receiving this information provides reasonable assurances that they will respect the privacy of your information in accordance with applicable laws.

- When required or permitted by law to do so.

For example, FPEGF must give information in response to a valid demand, search warrant or other legally valid enquiry or order. FPEGF may disclose information to the authorities to serve a clear public interest and fulfill its public duty - such as to protect against fraud or other criminal activity. FPEGF may take action to protect its interests which may result in disclosing information to parties outside the FPEGF, such as using agents to collect overdue accounts. FPEGF may also disclose information under an exception to the requirement for consent expressly set out in applicable laws, such as the exception for disclosures necessary to protect human life or safety in an emergency.

- When FPEGF needs to do so to protect its interests in the context of an existing or potential legal or administrative proceeding.

For example, in the event of a proceeding commenced by or against FPEGF in connection with you, FPEGF may disclose your information to its lawyers and to the court or administrative body involved.

- When required by the Government of Manitoba, as a funder of FPEGF and the source of FPEGF investment funds.

For example, FPEGF must prepare reports for distribution to the Government of Manitoba in order to receive funding. Although the information contained in such reports is often de-identified data, such reports may contain personal information of loan applicants and other clients.

### **C. Protecting Information**

FPEGF will protect your information with appropriate safeguards and security measures.

FPEGF has reasonable security standards to protect its systems and your information against unauthorized access and use. All employees of FPEGF are familiar with the procedures that must be taken to safeguard client information.

FPEGF will retain your information only as long as it is legally or reasonably required by it.

The length of time FPEGF retains information varies depending on the service and the nature of the information. This period may extend beyond the end of your relationship with FPEGF but only for so long as it is legally or reasonably required by it. When your

information is no longer needed, FPEGF has procedures to destroy, delete, erase or convert it to an anonymous form.

#### **D. Providing Information Access and Accuracy**

FPEGF will give you access to the information it has about you.

Most of your information is kept in FPEGF's client file about you. Please contact FPEGF if you wish to access any information FPEGF may have about you. FPEGF will advise you in advance if a minimal charge will be required for conducting a search, and will do its utmost to respond to your request within 30 days. Please note that FPEGF may not be able to provide information about you from its records if it contains references to other persons, is subject to legal privilege, contains information proprietary to FPEGF, is too costly to retrieve, or cannot be disclosed for other legal reasons.

FPEGF will make every reasonable effort to keep your information accurate and up-to-date.

Having accurate information about you enables FPEGF to give you the best possible service. You can help by keeping FPEGF informed of any changes, for instance if you move or change telephone numbers. If you find any errors in FPEGF's information about you, please send FPEGF the correction in writing by mail, fax or e-mail. FPEGF will make appropriate corrections and make sure that such corrections are conveyed to anyone it may have misinformed. For information that remains in dispute, FPEGF will note your opinion in its file.

#### **E. Respecting and Responding to Your Privacy Concerns**

FPEGF will explain your options of refusing or withdrawing consent to the collection, use or disclosure of your information, and will record and respect your choices subject to any legal or contractual restrictions and reasonable notice.

Please contact FPEGF and ask to speak to the FPEGF's Privacy Officer if you have any questions related to your options. For example, you may refuse consent for FPEGF to do a credit check, but the FPEGF will not be able to extend credit services to you. Once you have a credit product, you will not be able to withdraw your consent to share your credit experience with other lenders and credit bureaus, as this is necessary to support the credit approval process.

FPEGF will investigate and respond to your concerns about any aspect of its handling of your information.

If you have any concerns or questions about privacy and confidentiality - or any concerns about the way a request for information was handled - you can take the following action. Contact FPEGF and ask to speak to its Privacy Officer. Log on to [www.firstpeoplesfund.ca](http://www.firstpeoplesfund.ca) to find contact information for the FPEGF's Privacy Officer (Perhaps actually provide the direct and/or toll free phone number and e-mail address of the Privacy Officer right here or a link to it).

The Privacy Officer appointed for FPEGF has the decision-making authority to resolve most concerns. However, if you are unsatisfied with the way your complaint or request was addressed, you may contact the Federal Privacy Commissioner at:

Office of the Privacy Commissioner  
112 Kent Street  
Ottawa, Ontario  
K1A 1H3

## **INFORMATION REGARDING WEB SITE PRACTICES**

The principles outlined in this Privacy Code apply to information collected through FPEGF's Web site, with the following qualifications.

FPEGF collects and stores your e-mail address from any communications that you may send to it by clicking on any of its e-mail links. FPEGF may use your e-mail address to communicate with you, if you are registering for a program, conference, training resource or upcoming event, your e-mail indicates that a response to your inquiry is requested or if FPEGF wishes to address a concern or complaint you may have.

Links to external sites are provided for you as a convenience and no responsibility or liability is assumed in respect of such linked sites. These other sites may send their own cookies to users collect data or solicit personal information. You should check the privacy policy of any site you visit for information regarding their privacy handling practices.

## **UPDATING THIS CODE**

Any changes to this Privacy Code or to FPEGF's information handling practices will be recorded in a timely manner.

We may add, modify or remove portions of this Privacy Code when we feel it is appropriate to do so. However, FPEGF will not use any information collected prior to such changes for any new purposes without first obtaining your consent.

Effective Date: December 9, 2009