

## PRIVACY POLICY

This Policy describes Key 2 Communications Inc. collection, use and/or disclosure of personal information.

It governs the behavior of employees and agents acting on Key 2 Communications Inc. behalf when dealing with personal information. It provides procedures for an individual's access to and correction of personal information.

Personal information includes information about an identifiable individual, presented in any form, such as: age, name, ID number(s), income, ethnic origin, opinions, evaluations, social status, disciplinary actions, credit records, loan records, medical records.

Personal information does not include the name, title, address and telephone number of an employee of an organization.

Key 2 Communications Inc. Privacy Policy is enacted pursuant to the Personal Information Protection and Electronic Documents Act\*, and is effective as of January 1, 2001.

This Key 2 Communications Inc. Privacy Policy is organized along ten privacy principles\*\*, which are:

1. Accountability
2. Identifying Purposes
3. Consent
4. Limiting Collection
5. Limiting Use, Disclosure and Retention
6. Accuracy
7. Safeguards
8. Openness
9. Individual Access
10. Challenging Compliance

## PRINCIPLE #1 -- ACCOUNTABILITY

Key 2 Communications Inc. is responsible for personal information under its control and will designate an individual or individuals who are accountable for the organization's compliance with the following principles.

1.1 Accountability for Key 2 Communications Inc. compliance with the principles rests with the senior management of Key 2 Communications Inc. and the person or persons designated by senior management as Privacy Officer, even though other individuals within the organization may be responsible for the day-to-day collection and processing of personal information. In addition, other individuals within the organization may be delegated to act on behalf of senior management or the Privacy Officer.

1.2 Key 2 Communications Inc. senior management has designated the following person to act as Privacy Officer to oversee the organization's compliance with the principles:

Attention: Privacy Officer

Key 2 Communications Inc.

5-331 Trowers Rd. Woodbridge, ON L4L 6A2

Facsimile: 1-866-242-8028

1.3 Key 2 Communications Inc. is responsible for personal information in its possession or custody, including information that has been transferred to a third party for processing. Key 2 Communications Inc. will use contractual or other means to provide a comparable level of protection while the information is being processed by a third party.

1.4 Key 2 Communications Inc. will implement policies and practices to give effect to the principles, including:

- (a) implementing procedures to protect personal information;
- (b) establishing procedures to receive and respond to complaints and inquiries;
- (c) training staff and communicating to staff information about Key 2 Communications Inc. policies and practices; and
- (d) developing information to explain Key 2 Communications Inc. policies and procedures.

## PRINCIPLE #2 – IDENTIFYING PURPOSES

Key 2 Communications Inc. will identify the purposes for which personal information is collected at or before the time the information is collected.

2.1 Key 2 Communications Inc. collects personal information only for the following purposes (“identified purposes”):

- (a) to provide service(s) and/or products to its customers;
- (b) to maintain commercial relations and to communicate with its customers (which will include, but not be limited to: billing, collection, advertising, promotion, account verification);
- (c) to identify customer needs and/or preferences;
- (d) to meet legal and regulatory requirements;
- (e) to administer and manage its business operations

2.2 Key 2 Communications Inc. will provide notice of the identified purposes either orally, electronically or writing prior to or at the time of collection of the personal information.

2.3 Persons collecting personal information will be able to explain to individuals the purposes for which the information is being collected, or will refer the individual to a designated person at Key 2 Communications Inc. who will explain the purposes.

2.4 When personal information that has been collected is to be used for a purpose not previously identified, the new purpose will be identified prior to use. Unless the new purpose is required by law, Key 2 Communications Inc. will obtain the consent of the individual before information is used for that new purpose.

Occasionally, Key 2 Communications Inc. will communicate to you special bonus and new product offers that we think may be of value to you. If you wish to opt-out of receiving targeted communications from Key 2 Communications Inc. in electronic, printed or verbal format (other than information included with your monthly bills), simply inform us in writing at Key 2 Communications Inc., 5-331 Trowers Rd. Woodbridge, ON L4L 6A2.

### PRINCIPLE #3 – CONSENT

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

3.1 In certain circumstances, personal information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, legal, medical or security reasons may make it impossible or impractical to seek consent.

When information is being collected for the detection and prevention of fraud or for law enforcement, seeking the consent of the individual might defeat the purpose of collecting the information. Seeking consent may be impossible or inappropriate when there is an emergency threatening the individual's life, health or security, or where the individual is a minor, seriously ill, or mentally incapacitated. In other instances, information may be publicly available. Moreover, Key 2 Communications Inc. may provide personal information to its lawyer or agent to collect a debt, comply with a subpoena, warrant or other court order, government institution requesting the information upon lawful authority, or as may be otherwise required by law.

3.2 Key 2 Communications Inc. will generally seek consent for the use or disclosure of the information at the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when Key 2 Communications Inc. wants to use information for a purpose not previously identified).

3.3 Key 2 Communications Inc. will make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes will be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.

3.4 Key 2 Communications Inc. will not, as a condition of the supply of a product or service, require an individual to consent to the collection, use, or disclosure of information beyond that required to fulfill the explicitly specified and legitimate purposes.

3.5 The form of consent sought by Key 2 Communications Inc. may vary, depending upon the circumstances and the type of information disclosed. In determining the form of consent to use, Key 2 Communications Inc. will take into account the sensitivity of the information and the reasonable expectations of the individual. An authorized representative (such as a legal guardian or a person having power of attorney) can also give consent.

Key 2 Communications Inc. will seek express consent when the information is likely to be considered sensitive.

Implied consent will generally be appropriate when the information is less sensitive. The use of services or products by a customer or the acceptance of employment by an employee will be considered implied consent to collect, use and disclose personal information for all identified purposes.

3.6 An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Key 2 Communications Inc. will inform the individual of the implications of such withdrawal. In order to withdraw consent, an individual must provide notice to Key 2 Communications Inc. in writing.

3.7 With respect to personal information already collected by Key 2 Communications Inc. prior to the publication of this Privacy Policy, this Policy will constitute reasonable notice to Key 2 Communications Inc. current customers and employees of the purposes and uses for which such personal information has been collected. Should an individual object to these ongoing uses or disclosures, consent may be withdrawn upon providing notice to Key 2 Communications Inc. in writing.

#### PRINCIPLE #4 – LIMITING COLLECTION

The collection of personal information will be limited to that which is necessary for the purposes identified by Key 2 Communications Inc.. Information will be collected by fair and lawful means.

4.1 Key 2 Communications Inc. collects personal information from its customers and employees for the purposes described under Principle #2.

4.2 Key 2 Communications Inc. may also collect personal information from such third parties as credit bureaus, employers or personal references or other third parties that represent that they have the right to disclose the information.

4.3 In connection with its Internet business, Key 2 Communications Inc. may use a 'Cookie' to collect certain information which it uses to track user patterns on its web site(s). A Cookie is a text file containing a unique identification number that identifies a user's browser, but not a particular individual. A Cookie does not identify an individual. Furthermore, Key 2 Communications Inc. does not use Cookies in combination with other information to obtain personally identifiable information. If an individual does not wish to use Cookies, he or she can re-set their browser to either provide notification or refuse to accept Cookies.

#### PRINCIPLE #5 – LIMITING USE, DISCLOSURE, AND RETENTION

Personal information will not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information will be retained only as long as necessary for the fulfillment of those purposes.

5.1 Key 2 Communications Inc. may collect, use or disclose personal information without the individual's knowledge or consent in certain circumstances as described in Principle #3.1.

5.2 Key 2 Communications Inc. may disclose a customer's personal information to:

(a) another telecommunication company for the provision of telecommunications services to that customer;

- (b) a company involved in providing communications directory services;
- (c) a person involved in the development, promotion, marketing or enhancement of Key 2 Communications Inc. services;
- (d) a credit collections agency;
- (e) emergency services in an emergency situation;
- (f) a person, who, in the reasonable estimation of Key 2 Communications Inc., is an agent of the customer;
- (g) any other third party, upon receiving the consent of the customer or as required by law.

5.3 Key 2 Communications Inc. may disclose an employee's personal information in the following circumstances:

- (a) in the administration of that employee's benefits;
- (b) in providing references to prospective employers, upon receiving the consent of the employee;
- (c) as may be required by law.

5.4 Certain Key 2 Communications Inc. employees may be given access to customer and/or employee information in so far as their duties require access for business purposes. Key 2 Communications Inc. employees are governed by a non-disclosure agreement prohibiting disclosure or use of any confidential or personal information for any purposes other than the stated business purposes.

5.5 Key 2 Communications Inc. will retain personal information for only as long as required to fulfill the identified purposes or as required by law.

5.6 Personal information that is no longer required to fulfill the identified purposes will be destroyed, erased or made anonymous according to the guidelines and procedures established by Key 2 Communications Inc..

## PRINCIPLE #6 – ACCURACY

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

6.1 The extent to which personal information will be accurate, complete, and up- to-date will depend upon the use of the information, taking into account the interests of the individual. Information will be sufficiently accurate, complete, and up-to-date to

minimize the possibility that inappropriate information may be used to make a decision about the individual.

6.2 Key 2 Communications Inc. will not routinely update personal information unless such a process is necessary to fulfill the purposes for which the information was collected.

6.3 Personal information that is used on an ongoing basis, including information that is disclosed to third parties, should generally be accurate and up-to-date, unless limits to the requirement for accuracy are clearly set out.

#### PRINCIPLE #7 – SAFEGUARDS

Personal information will be protected by security safeguards appropriate to the sensitivity of the information.

7.1 Key 2 Communications Inc. will protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution and format of the information, and the method of storage.

7.2 Key 2 Communications Inc. protects all personal information regardless of the format in which it is held. The methods of protection include:

- (a) physical measures, such as locked filing cabinets and restricted access to offices;
- (b) organizational measures, such as security clearances and limiting access on a “need to know” basis;
- (c) technological measures, such as the use of passwords and encryption

7.3 Key 2 Communications Inc. makes their employees aware of the importance of maintaining the confidentiality of personal information. Key 2 Communications Inc. employees are governed by a non-disclosure agreement prohibiting disclosure or use of any confidential or personal information for any purposes other than the stated business purposes.

7.4 Key 2 Communications Inc. will use care in the disposal or destruction of personal information to prevent unauthorized parties from gaining access to the information.

#### PRINCIPLE #8 – OPENNESS

Key 2 Communications Inc. will make readily available to individuals specific information about its policies and practices relating to the management of personal information.

8.1 Key 2 Communications Inc. will make its policies and practices with respect to the management of personal information easily comprehensible and accessible, by providing upon request:

- (a) the name, title, and address of the Privacy Officer accountable for Key 2 Communications Inc. policies and practices and to whom complaints or inquiries can be forwarded;
- (b) the means of gaining access to personal information held by Key 2 Communications Inc.; and
- (c) a description of the type of information held by Key 2 Communications Inc. and/or its subsidiaries, including a general account of its use.

8.2 Key 2 Communications Inc. will make this Privacy Policy available online, by mail, or in a brochure format at its place of business. Furthermore, Key 2 Communications Inc. Customer Services Representatives will be trained to answer requests at Key 2 Communications Inc.'s toll-free customer service telephone number.

#### PRINCIPLE #9 – INDIVIDUAL ACCESS

Upon request, an individual will be informed of the existence, use, and disclosure of his or her personal information and will be given access to that information. An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

9.1 Upon request, Key 2 Communications Inc. will inform an individual whether or not the organization holds personal information about the individual, and will provide that individual with a reasonable opportunity to review the personal information in his or her file.

9.2 Key 2 Communications Inc. will allow the individual access to his or her personal information once the individual has provided Key 2 Communications Inc. with a written request application. Key 2 Communications Inc. will make the application available to customers through Customer Service Representatives and to employees through the Human Resources Department. The application will include sufficient information to permit Key 2 Communications Inc. to provide an account of the existence, use, and disclosure to any third parties of this personal information. Key 2 Communications Inc. will use the application only for this purpose.

9.3 Key 2 Communications Inc. will respond to an application for individual access to personal information within a reasonable time and at minimal or no cost to the



individual. The requested information will be provided or made available in a form that is generally understandable.

9.4 Key 2 Communications Inc. will be as specific as possible in providing an account of third parties to which it has disclosed personal information about an individual. When it is not possible to provide a list of the organizations to which it has actually disclosed information about an individual, Key 2 Communications Inc. will provide a list of organizations to which it may have disclosed information about the individual.

9.5 In certain instances, Key 2 Communications Inc. will not be able to provide the individual access to his or her personal information. For example, Key 2 Communications Inc. will not provide access to information where the information requested is prohibitively costly to provide; where the information contains references to other individuals; where the information cannot be disclosed for legal, security or commercial proprietary reasons; where the information is subject to solicitor-client or litigation privilege; or where the information can best be available from another source (for example, through a medical practitioner). In each case, Key 2 Communications Inc. will provide reasons for denying any access to personal information.

9.6 When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, Key 2 Communications Inc. will amend the information as required. Depending upon the nature of the information challenged, amendment involves the correction, deletion or addition of information. Where appropriate, the amended information will be transmitted to third parties having access to the information in question.

9.7 When a challenge is not resolved to the satisfaction of the individual, Key 2 Communications Inc. will record the substance of the unresolved challenge. When appropriate, the existence of the unresolved challenge will be transmitted to third parties having access to the information in question.

#### PRINCIPLE #10 – CHALLENGING COMPLIANCE

An individual will be able to address a challenge concerning compliance with the above principles to Key 2 Communications Inc. Privacy Officer.

10.1 Key 2 Communications Inc. will maintain procedures to receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal information. Key 2 Communications Inc. will make every effort to ensure that its procedures are easily accessible and simple to use.

10.2 Key 2 Communications Inc. will inform individuals who make inquiries or lodge complaints of the existence of relevant complaint procedures.

10.3 The person or persons accountable for compliance with this Privacy Policy may seek external advice where appropriate before providing a final response to individual complaints.

10.4 Key 2 Communications Inc. will investigate all complaints. If a complaint is found to be justified, Key 2 Communications Inc. will take appropriate measures, including, if necessary, amending its policies and practices.

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\*The Personal Information Protection and Electronic Documents Act govern the collection, use and disclosure of personal information in the commercial sector.

\*\* Under the Act, Key 2 Communications Inc. is required to adhere to ten privacy principles set out in the National Standard of Canada, Model Code for the Protection of Personal Information.