



## Privacy Policy

Effective Date: January 31, 2014

This Privacy Policy ("Policy") is published by DataTrail Corp. an Alberta corporation with its head office at Calgary, Alberta, Canada, operating as DataTrail ("DataTrail"). Generally, the *Personal Information Protection Act* of Alberta will apply to DataTrail, but it is possible that in certain circumstances the *Personal Information Protection and Electronic Documents Act* (Canada) may govern. It is the policy of DataTrail to comply with applicable legislation.

### Definitions

- "Personal Information" means information about an identifiable individual which is recorded in any form.
- "Licensee" means any person or entity which has a license to access the DataTrail Solution, which may be accessed and used by a Licensee or individual lawfully authorized by a Licensee to use a Tracking Device.
- "Solution" means a web-based hosted solution made available by DataTrail permitting Licensees to use a Tracking Device to obtain GPS and other data and information, including Personal Information, and then access, store, process and/or modify data and information, including Personal Information.
- "Tracking Device" means a device marketed and sold by DataTrail, which device is capable of capturing GPS and locational data regarding the location and movements of the device, and history of locations and movements, and making that data available to a Licensee using the Solution for purposes that may, for example, include monitoring or tracking the location and travel history of the device, including any person or container, such as a vehicle, luggage or personal effects in which or on which the Tracking Device is or may be contained or situated.

This Policy summarizes DataTrail's practices with respect to individual privacy and Personal Information concerning Licensees and other individuals.

Licensees to the Solution enter into a contract with DataTrail whereby they agree to use each Tracking Device and the Solution only for lawful purposes and specifically to not use the Tracking Device or the Solution to collect, use or disclose Personal Information without the knowledge of the subject individual except to the extent the subject individual's consent is obtained or where doing so may be permitted by applicable law. DataTrail has no way of fully monitoring, and accepts no liability to monitor use by Licensees of a Tracking Device or the Solution but DataTrail will exercise its rights under its agreements with Licensees who are in breach of such agreements. DataTrail's rights include suspension of Licensee access to the Solution or termination of a Licensee's agreement with DataTrail.

This Policy applies to the collection, use and disclosure of Personal Information in the custody or control of DataTrail in the course of providing access to the Solution and does not apply to the conduct of Licensees except as stated in this Policy.

Each Licensee shall be required to obtain valid consent from subject individuals which permits such Licensee to collect Personal Information regarding such individuals for and on behalf of DataTrail.

Licensees are required to export and archive information which they wish to keep longer than 60 days. DataTrail generally retains information for no longer than 60 days for the purposes of providing the Solution, following which such information is securely deleted and is intended to be impossible to recover.

As provider of the Solution, DataTrail has some limited control over the foregoing. DataTrail will protect Personal Information in its custody or control and will not disclose it except with the subject individual's consent or as permitted or required by law. If required to do so by law, DataTrail reserves the right to preserve Licensee data for as long as may be required and, if deletion or destruction is prohibited by law, DataTrail may refuse to delete such data until the law permits.

DataTrail does not sell any mailing or distribution lists it may have.

### **Collection, Use and Disclosure of Personal Information**

DataTrail collects and uses Personal Information that may be contained in GPS data in the course of its providing the Solution to Licensees. DataTrail does so as a service provider in response to requests of the Service made by Licensees, and such collection, use and any related disclosure is controlled by Licensees and users of the Solution. DataTrail contractually requires Licensees to comply with applicable privacy legislation, and to not input or collect Personal Information into the Solution without the consent and knowledge of the subject individuals. Licensees are the primary custodians of Personal Information related to their respective users and other individuals. Licensees, and not DataTrail, directly control whether or not the Solution is used in compliance with applicable laws.

The Solution is intended for use by adults. DataTrail does not knowingly collect any Personal Information from children under the age of 18. Those under the age of 18 should not use the Solution or provide DataTrail with any Personal Information.

DataTrail will require and collect Personal Information from Licensees, including name, address, phone number and credit card numbers, and related identifiers, in order to process payment for the Solution, generally by the use of credit cards. It is the policy of DataTrail to do so with the consent of Licensees.

DataTrail will collect, use or disclose Licensee's Personal Information only with the subject individual's knowledge and consent, except as may be required or permitted by law.

While DataTrail's contractual obligations may be more restrictive, the law permits DataTrail to collect, use or disclose Personal Information about an individual in some circumstances without the individual's consent. Such circumstances include (but are not limited to) where:

- the collection, use or disclosure is clearly in the interests of the individual and consent cannot be obtained in a timely way;
- the collection, use or disclosure is reasonable for the purposes of an investigation or legal proceeding;
- subject to applicable law, the Personal Information is publicly available;
- the collection, use or disclosure is required or authorized by applicable law;
- in certain circumstances and to certain legally authorized entities, where the disclosure of the Personal Information is for the purposes of protecting against, or for the prevention, detection or suppression of fraud; or
- the disclosure of the Personal Information is necessary to comply with an audit or inspection of DataTrail that is authorized or required by applicable law (but if practicable to do so, information disclosed will be limited to non-identifying information).

### **Outsourcing and Service Providers**

- DataTrail may contract with third party service providers with respect to the collection, use or disclosure of Personal Information for purposes of billing Licensees for the Solution by the use of credit cards, or for storage of Personal Information on an out-sourced basis, in either of which

cases DataTrail will enter into contractual arrangements with such service providers requiring them to protect any Personal Information received from DataTrail to provide services to DataTrail in a manner consistent with this Policy.

- In the event that, with respect to Licensees and/or users located in Canada, DataTrail contracts with a service provider outside of Canada, if DataTrail uses that service provider to collect Personal Information with consent, or if Personal Information is transferred to the service provider outside of Canada, DataTrail will notify any affected individuals in Canada orally or in writing as to the way in which individuals may obtain access to written information about DataTrail's policies and practices with respect to service providers outside of Canada, and the name or position or title of a person able to answer on behalf of DataTrail any questions about the collection, use or disclosure of Personal Information outside of Canada on behalf of DataTrail. Persons outside of Canada to whom Personal Information is transferred may be required to disclose Personal Information under the laws of their jurisdiction.
- DataTrail does use service providers outside of Canada for the processing of anonymous information, or supplying services such as maps in response to anonymous information, but such service providers have no way of connecting such information to any identifiable individual.
- Licensee dealings directly with third parties that may relate to the Solution are carried out by Licensees on their own behalf, and DataTrail has no control over what Personal Information Licensees and such third parties may collect, use or disclose.

### **Accuracy and Completeness**

When DataTrail collects, uses or discloses Personal Information for billing purposes, DataTrail will use reasonable efforts to ensure that it is accurate, up to date, and complete. Personal Information collected by use of the Solution is collected by the use of third party suppliers of services such as GPS services, maps and similar materials, and is subject to any inaccuracies that may result from the use of such technologies.

### **Retention and Destruction**

Alberta law allows DataTrail, for legal or business purposes, to retain Personal Information for as long as is reasonable. Upon expiry of an appropriate retention period, bearing in mind reasonable legal and business requirements, Personal Information will either be destroyed in a secure manner or made anonymous. Should consent to DataTrail's collection, use, disclosure or retention of Personal Information be revoked, Alberta law also allows DataTrail to continue to retain the information for as long as is reasonable for legal or business purposes. In the event that revocation of consent may have consequences to the individual concerned, and if reasonable to do so, DataTrail will advise the individual of the consequences of revoking their consent where it is reasonable in the circumstances to do so.

Data collected by the use of the Solution may include Personal Information, such as the movements, speed, location and travel history of a Tracking Device. DataTrail does not collect information about the identity of such individuals carrying, or located with or traveling with a Tracking Device, but Licensees may have such information.

DataTrail generally retains, on behalf of Licensees, data collected by use of the Solution for 60 days, following which it is the policy of DataTrail to delete it as soon as reasonably possible. Licensees of the Solution are able to export and archive such data, and their activities with Personal Information once exported are not subject to the control or knowledge of DataTrail, but may be subject to any policies such Licensees may have.

### **Security of Personal Information**

DataTrail recognizes its legal obligations to protect confidential information and Personal Information in its custody or control. DataTrail has therefore made arrangements to secure against the unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction of Personal Information.

## **Notification of Loss or Unauthorized Access or Disclosure**

Where an incident occurs involving the loss of or unauthorized access to or disclosure of Personal Information under the control of DataTrail, where a reasonable person would consider that there exists a real risk of significant harm to an individual as a result of the loss or unauthorized access or disclosure, DataTrail will, without unreasonable delay, provide notice to the Information and Privacy Commissioner for Alberta of the incident, including any information required by law at the time to be provided to the Commissioner. While Alberta law provides that the Commissioner has the authority to require DataTrail to notify individuals of the unauthorized access or disclosure, DataTrail may elect to immediately do so in the event DataTrail considers it reasonable in the circumstances.

## **Communicating with Licensees**

DataTrail obtains consent from Licensees to communicate with them. DataTrail communicates with its Licensees for purposes of providing the Solution, providing Licensees with notification of changes to the Solution or the terms and conditions of legal agreements with Licensees. DataTrail may also notify Licensees and other individuals who have asked to be kept advised of information related to the Solution or other products or services of DataTrail or third parties.

## **Requests for Access to Personal Information**

The law permits individuals to submit written requests to DataTrail to provide them with:

- access to Personal Information about them under DataTrail's custody or control by way of a copy of the record containing the information or by way of examination of the record;
- information about our collection, use or disclosure of Personal Information about them and the purposes for doing so; and
- if we have in our custody or under our control a record about an individual described in their request, the purposes for which their Personal Information under our custody or control has been and is being used by us, and the names of persons to whom, and the circumstances in which their Personal Information has been and is being disclosed by DataTrail.

Requests must be in writing and include sufficient detail to allow us to identify any record in our custody or under our control containing the Personal Information requested. DataTrail has no control over information provided by Licensee's or other users in the course of using the Solution and requests from users under a Licensee account will be directed to their applicable Licensee as that Licensee will have primary custody and control of such Personal Information. DataTrail does have control over billing and related information received from Licensees.

DataTrail will respond to applicable requests in the time allowed by Alberta law and will make a reasonable effort to assist applicants and to respond as accurately and completely as reasonably possible. All requests may be subject to any fees and disbursements Alberta law permits DataTrail to charge. Where appropriate to do so, DataTrail may require advance payment of a deposit or the entire costs of responding to a request for access to Personal Information. DataTrail is not permitted to charge fees for corrections to errors or omissions in Personal Information.

An individual's ability to access his or her Personal Information under the control of DataTrail is not absolute.

Alberta law provides that DataTrail is not permitted to disclose Personal Information where:

- the disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request;
- the disclosure would reveal Personal Information about another individual; or

- the disclosure would reveal the identity of an individual who has in confidence provided us with an opinion about another individual and the individual providing the opinion does not consent to the disclosure of his or her identity.

Alberta law further provides that DataTrail may choose not to disclose Personal Information where:

- the Personal Information is protected by any legal privilege;
- the disclosure of the information would reveal confidential commercial information and it is not unreasonable to withhold that information;
- the Personal Information was collected by DataTrail for an investigation or legal proceeding;
- the disclosure of the Personal Information might result in similar information no longer being provided to us when it is reasonable that it would be provided;
- the Personal Information was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act
  - under an agreement,
  - under a statute of Alberta, or of Canada, or of another Canadian province,
  - under a regulation of Alberta, a regulation of Canada or similar provision of the law of another Canadian province that, if enacted in Alberta, would constitute a regulation of Alberta,
  - under a legislative instrument of a professional regulatory organization, or
  - by a court; or
- the Personal Information relates to or may be used in the exercise of prosecutorial discretion.

Generally, Alberta's privacy legislation states that it is not to be applied so as to affect any legal privilege so communications between DataTrail and its legal counsel and other records and documents subject to legal privilege will generally not be subject to disclosure.

### **Responses to Requests for Access to Personal Information**

DataTrail's response to requests for access to Personal Information will be in writing, and will confirm whether DataTrail is providing all or part of the requested information, whether or not DataTrail is allowing access or providing copies, and, if access is being provided, when that will be given. Where DataTrail is able to sever information it cannot or is not required to provide from information it is required to provide, DataTrail will provide the individual with access to the part of the record remaining after such information has been severed.

It is the policy of DataTrail to respond to requests for information within the time periods required by Alberta law, but DataTrail reserves its rights to extend the time period where applicable law permits our doing so. Examples of where DataTrail can extend the time period include where the applicant does not give sufficient detail to enable DataTrail to identify the applicable records, or more time is needed to consult with another organization, a public body or a government or agency of a government of a jurisdiction in Canada.

If access to information or copies are refused by DataTrail, DataTrail will provide written reasons for such refusal and the section of Alberta's privacy legislation on which that refusal is based, along with the name of person who can answer questions about the refusal, and particulars of how the requesting individual can ask the Information and Privacy Commissioner for Alberta to review the decision of DataTrail.

### **Requests for Correction of Personal Information**

Alberta law permits individuals to submit written requests to DataTrail to correct errors or omissions in their Personal Information that is in the custody or control of DataTrail. DataTrail reserves the right to require sufficient information and detail from the individual in question in order to properly locate the information and provide a response.

In the event that an individual alleges errors or omissions in the Personal Information in the custody or control of DataTrail, DataTrail will either:

- correct the Personal Information and, if reasonable to do so, and not contrary to any legal or client privilege, send correction notifications to any other organizations to whom DataTrail disclosed the incorrect information; or
- decide not to correct the Personal Information but annotate the Personal Information that a correction was requested but not made.

Alberta law provides that corrections or alterations cannot be made to opinions, including expert or professional opinions, as opposed to factual information.

### **Amendment of Policy**

DataTrail reserves the right to amend this Policy from time to time as required, and without notice, in order to better meet its obligations under applicable law.

### **Contacting or Communicating with Us**

If You have any questions with respect to our policies concerning the handling of Your Personal Information, or if You wish to request access to, or correction of, Your Personal Information under the care and control of DataTrail, please contact DataTrail's Privacy Officer at:

Mailing address: 7056B Farrell Rd, SE; Calgary, AB; T2H 0T2  
Email address: [privacyofficer@datatrail.com](mailto:privacyofficer@datatrail.com)  
Phone number: 403.668.9106  
Fax: 403.770.8758

If You are dissatisfied with the manner in which DataTrail handles Your Personal Information, You may contact our Privacy Officer in writing, setting out the reasons for Your concern.

If You remain dissatisfied after our Privacy Officer has reviewed and responded to Your concern, You have the right to contact the Office of the Information and Privacy Commissioner for Alberta at:

410, 9925 - 109 Street  
Edmonton, AB T5K 2J8  
Telephone (780) 422-6860 or Fax (780) 422-5682

You may also contact the Privacy Commissioner for Canada as follows:

For general inquiries:

Toll-free: 1-800-282-1376

Phone: (613) 947-1698

Fax: (613) 947-6850

TTY: (613) 992-9190

By mail:

112 Kent Street

Place de Ville

Tower B, 3rd Floor

Ottawa, Ontario

K1A 1H3