



**Charger Logistics Inc  
Privacy Policy**

## **PRIVACY POLICY**

### **1.0 Purpose of CHARGER's Privacy Policy**

Charger Logistics Inc. ("CHARGER") is a trucking and logistics organization operating across North America. CHARGER collects certain information that you provide to us as well as information on how you use our websites, the App, the Software, Applications, and other products and services.

This privacy policy (the "Privacy Policy") sets out our policies and procedures surrounding the collection and handling of any such information. This Privacy Policy does not apply to any third party site or service linked to our website or recommended or referred by our website or by our staff, subject to the terms of the Privacy Policy.

By accessing, using or contributing to the website, the App, the Software, or receiving or providing products or services to/from CHARGER ("Your Use") you agree to the terms of this Privacy Policy and consent to the collection, use and disclosure of your personal information as set out herein. If you do not agree to these terms, immediately end and undo Your Use.

This privacy policy has been developed to comply with Canada's *Personal Information Protection and Electronic Documents Act* ("*PIPEDA*"). *PIPEDA* sets out rules for the collection, use and disclosure of Personal information in the course of commercial activity as defined in the Act.

### **1.1 The Ten Principles of PIPEDA Summarized**

The ten principles of *PIPEDA* that form the basis of this Privacy Policy are as follows:

1. **Accountability:** organizations are accountable for the Personal information they collect, use, retain and disclose in the course of their commercial activities, including, but not limited to, the appointment of a Chief Privacy Officer;
2. **Identifying Purposes:** organizations are to explain the purposes for which the information is being used at the time of collection and can only be used for those purposes;
3. **Consent:** organizations must obtain an Individual's express or implied consent when they collect, use, or disclose the individual's Personal information;
4. **Limiting Collection:** the collection of Personal information must be limited to only the amount and type that is reasonably necessary for the identified purposes;
5. **Limiting Use, Disclosure and Retention:** Personal information must be used for only the identified purposes, and must not be disclosed to third parties unless the Individual consents to the alternative use or disclosure;
6. **Accuracy:** organizations are required to keep Personal information in active files accurate and up-to-date;
7. **Safeguards:** organizations are to use physical, organizational, and technological safeguards to protect Personal information from unauthorized access or disclosure.

8. Openness: organizations must inform their clients and train their employees about their privacy policies and procedures;
9. Individual Access: an individual has a right to access Personal information held by an organization and to challenge its accuracy if need be; and
10. Provide Recourse: organizations are to inform clients and employees of how to bring a request for access, or complaint, to the Chief Privacy Officer, and respond promptly to a request or complaint by the individual.

This Privacy Policy applies to the company's Directors, members, employees and contracted employees and third parties CHARGER works with in relation to the purposes herein.

### **1.2 Definitions**

"*Personal information*" means any information about an identifiable individual. It includes, without limitation, information relating to identity, nationality, age, gender, address, telephone number, e-mail address, Social Insurance Number, date of birth, marital status, education, employment health history, assets, liabilities, payment records, credit records, loan records, income and information relating to financial transactions as well as certain personal opinions or views of an Individual. Personal information does not include the name, title, business address or telephone number of a person or employee of an organization.

"*Business information*" means business name, business address, business telephone number, name(s) of owner(s), officer(s) and director(s), job titles, business registration numbers (GST, RST, source deductions), financial status and information (such as credit card information, bank account information, and the like). Although Business information is not subject to *PIPEDA*, confidentiality of Business information will be treated with the same security measures by CHARGER staff, members and Board members, as is required for individual Personal information under *PIPEDA*.

"*Client*" means the business that is applying for or has been approved for a loan, (including sole proprietorships and individuals carrying on business in a partnership);

"*Individual*" means the client's owner(s) or shareholders, co-signors, and/or any guarantor associated with a client.

"*App*" means the mobile app for CHARGER drivers.

"*Application*" means the application form or related forms completed by the individual(s) to request financing for the client through the CHARGER, and or its divisions.

"*Database*" means the list of names, addresses and telephone numbers of clients and individuals held by CHARGER in the forms of, but not limited to, computer files, paper files, and files on computer hard-drives and that may be at least partly in the Software and/or the App.

"*File*" means the information collected in the course of processing an application, as well as information collected/updated to maintain /service the account.

"*Express consent*" means the individual signs the application, or other forms containing Personal information, authorizing CHARGER, and/or its divisions to collect, use, and disclose the individual's Personal information for the purposes set out in the application and/or forms.

"*Implied Consent*" means the organization may assume that the individual consents to the information being used, retained and disclosed for the original purposes, unless notified by the individual.

"*Software*" means the software CHARGER uses to operate its business.

"*Third Party*" means a person or company that provides services to CHARGER in support of the programs, benefits, and other services offered by CHARGER, such as other lenders, credit bureaus, persons with whom the individual or client does business, but does *not* include any Government office or department to whom CHARGER reports in the delivery of such programs, benefits or services.

"*you*" means the person reading this privacy policy, and any organization that you work for in relation to the purpose for which you are reading this Privacy Policy.

## **2.0 Purposes of Collecting Personal Information**

We may collect Personal information and Business information that is relevant for the purposes of providing services to our clients and service providers, securing our websites, meeting our legal obligations, promoting, advertising and marketing our services and, in some cases, the products and services of our clients and researching and developing new products, services and techniques to improve our services, business or websites.

Specifically, and without limiting the generality of the preceding paragraph, we collect, use and disclose Personal information and Business information for the following purposes: to identify you, to determine your suitability (including credit worthiness and background checks) as a supplier or customer of CHARGER (including as a driver, carrier, or customer), to understand your needs and eligibility for products and services, to provide you such products and services, to protect you and us from error and fraud, to recommend particular products and services to meet your needs, to provide and get updates on ongoing products and service, to respond to regulatory and governmental requests (such as Industry Canada) and to comply with legal and regulatory requirements. Such purposes may include operation of the App and Software, which may assist in accomplishing the purposes.

Personal information and Business information may be transferred, viewed, processed and/or stored in the US for the purposes described above. Legal requirements in the US applicable to us or our subsidiaries, affiliates, agents, intermediaries and other third parties operating on their or our behalf may include an obligation to disclose Personal information to government authorities in foreign countries.

Personal information

## **3.0 Consent**

An individual's express, written consent will be obtained before or at the time of collecting Personal information. The purposes for the collection, use or disclosure of the Personal information will be provided to the individual at the time of seeking his or her consent. Once consent is obtained from the individual to use his or her information for those purposes,

CHARGER has the individual's implied consent to collect or receive any supplementary information that is necessary to fulfil the same purposes. Express consent will also be obtained if, or when, a new use is identified.

By signing the application and/or other forms, accepting to use the App and/or Software, obtaining products or services from CHARGER, or providing products or services to CHARGER, you grant implied consent to obtain Personal information or Business information for the purposes set out in this Privacy Policy, including to obtain and/or to verify information from third parties such as banks, credit bureaus, other lenders, and insurance companies in the process of assessing the eligibility of an individual, supplier, or customer. Implied consent is also granted by the individual to permit CHARGER to report or otherwise disclose information to Industry Canada.

An individual can choose not to provide some or all of the Personal information at any time, but if CHARGER is unable to collect sufficient information to validate the request for financing, or other purpose for which the Personal information is being requested, the individual's Application for such financing may be turned down or the other purpose may be denied.

A client or an individual can withdraw consent to CHARGER's use of Personal information at any time prior to the application being approved, by making such request in writing. Once a loan has been approved, an individual cannot withdraw consent authorizing CHARGER to use and disclose the Personal information for the purposes set out in this Privacy Policy. Express consent will be obtained from the individual prior to disclosing the individual's Personal information to other lenders, credit insurers and credit bureaus.

This Privacy Policy does not cover statistical data from which the identity of individuals cannot be determined. CHARGER retains the right to use and disclose statistical data as it determines appropriate.

### **4.0 Limiting Collection**

Personal information collected will be limited to the purposes set out in this Privacy Policy, CHARGER applications, the App, the Software, and/or other forms.

### **5.0 Limiting Use, Disclosure and Retention**

In general, we may use and/or disclose your Personal information only in relation to the purposes identified herein. In connection with such identified purposes, we may employ third parties to process Personal information or perform tasks on our behalf, including website, App, and Software licensors and hosting partners and other parties who assist us in operating our website, App and Software, conducting our business, or serving our clients. We seek assurances to ensure personal information is similarly protected by these third parties in accordance with all applicable privacy and data security laws.

#### **5.1 Use of Personal Information**

Personal information will be used for only those purposes to which the individual has consented with the following exceptions, as permitted under *PIPEDA*:

CHARGER will use Personal information *without* the individual's consent, where:

- ) the organization has reasonable grounds to believe the information could be useful when investigating a contravention of a federal, provincial or foreign law *and* the information is used for that investigation;
- ) an emergency exists that threatens an individual's life, health or security;
- ) the information is for statistical study or research;
- ) the information is publicly available;
- ) the use is clearly in the individual's interest, and consent is not available in a timely way;
- ) knowledge and consent would compromise the availability or accuracy of the information, and
- ) collection is required to investigate a breach of an agreement.

**5.2 Disclosure and Transfer of Personal Information**

Personal information will be disclosed to only those CHARGER employees, suppliers, members of CHARGER committees, and the Directors that need to know the information for the purposes set out in this Privacy Policy.

Personal information will be disclosed to third parties *with* the individual's knowledge and consent, which may be implied as per this Privacy Policy.

*PIPEDA* permits CHARGER to *disclose* Personal information to third parties, *without* an individual's knowledge and consent, to:

- ) a lawyer representing CHARGER;
- ) collect a debt owed to CHARGER by the individual or client;
- ) comply with a subpoena, a warrant or an order made by a court or other body with appropriate jurisdiction;
- ) a law enforcement agency in the process of a civil or criminal investigation;
- ) a government agency or department requesting the information; or,
- ) as required by law.

*PIPEDA* permits CHARGER to *transfer* Personal information to a third party, *without* the individual's knowledge or consent, if the transfer is simply for processing purposes and the third party only uses the information for the purposes for which it was transferred. CHARGER will ensure, by contractual or other means, that the third party protects the information and uses it only for the purposes for which it was transferred.

### **5.3 Retention of Personal Information**

Personal information will be retained in client files as long as the use for which it was collected is active and for such periods of time as may be prescribed by applicable laws and regulations.

Personal information contained in an inactive file will be retained for a period of seven (7) years, except in the case where CHARGER has actively rejected the intended use of the Personal information. Where an intended use has been rejected, the file and all Personal information contained in the file will be retained for a period of two (2) years.

### **6.0 Accuracy**

CHARGER endeavours to ensure that any Personal information provided by the individual in his or her active file(s) is accurate, current and complete as is necessary to fulfill the purposes for which the information has been collected, used, retained and disclosed. Individuals are requested to notify CHARGER of any change in personal or Business information.

Information contained in inactive files is not updated.

### **7.0 Safeguards**

CHARGER will use physical, organizational, and technological measures to safeguard Personal information to only those CHARGER employees, volunteers, or third parties who need to know this information for the purposes set out in this Privacy Policy and who are subject to reasonable obligations of confidentiality with regard to the Personal information.

Organizational Safeguards: Access to Personal information will be limited to the parties that require it for the purposes herein, and for the duration of that need.

Physical Safeguards: Active files are stored in locked filing cabinets when not in use. Access to work areas where active files may be in use is restricted to CHARGER employees only and authorized third parties. All inactive files or Personal information no longer required are shredded prior to disposal to prevent inadvertent disclosure to unauthorized persons.

Technological Safeguards: Personal information contained in CHARGER computers and electronic databases, the App and the Software, are password protected and are protected in conformance with reasonably prudent industry norms. Access to any of the CHARGER 's computers also is password protected. CHARGER 's Internet router or server has firewall protection sufficient to protect personal and confidential Business information against virus attacks and "sniffer" software arising from Internet activity.

### **8.0 Openness**

CHARGER will endeavour to make its privacy policies and procedures known to the individual via this Privacy Policy.

### **9.0 Individual Access**

An Individual who wishes to review or verify what Personal information is held by CHARGER, or to whom the information has been disclosed (as permitted by the *Act*), may make the request for access, in writing, to the CHARGER 's Chief Privacy Officer.

Upon verification of the individual's identity, the Chief Privacy Officer will respond within 60 days. CHARGER is entitled to request sufficient Personal information to allow us to confirm whether or not we have Personal information relating to you, the individual making the request. We reserve the right to charge a minimal fee for copies of documents requested under this Privacy Policy. Please advise us if you need any help in preparing your request and we will ensure you are provided with such assistance. Additionally, for those with a sensory disability, we will endeavour to provide you with access to your personal information in an alternate format, if so requested. Please contact our Chief Privacy Officer for such requests and assistance. There may be circumstances where we are unable to provide the requested access. Those circumstances include if the cost of providing access would be prohibitive, the information contains references to other individuals, disclosure is prohibited for legal, security or commercial proprietary reasons, and/or the information is subject to solicitor client or litigation privilege.

If the individual finds that the information held by CHARGER is inaccurate or incomplete, upon the individual providing documentary evidence to verify the correct information, CHARGER will make the required changes to the individual's active file(s) promptly.

## **10.0 Complaints/Recourse**

If an individual has a concern about CHARGER 's Personal information handling practises, a complaint, in writing, may be directed to the CHARGER 's Chief Privacy Officer.

Upon verification of the individual's identity, CHARGER 's Chief Privacy Officer will act promptly to investigate the complaint and provide a written report of the investigation's findings to the individual.

Where CHARGER 's Chief Privacy Officer makes a determination that the individual's complaint is well founded, the Chief Privacy Officer will take the necessary steps to correct the offending information handling practise and/or revise CHARGER 's privacy policies and procedures.

Where CHARGER 's Chief Privacy Officer determines that the individual's complaint is *not* well founded, the individual will be notified in writing.

If the individual is dissatisfied with the finding and corresponding action taken by CHARGER 's Chief Privacy Officer, the individual may bring a complaint to the Federal Privacy Commissioner at the address below:

The Privacy Commissioner of Canada  
112 Kent Street, Ottawa,  
Ontario K1A 1H3  
Tel 1-800-282-1376

Email address: [www.privcom.gc.ca](http://www.privcom.gc.ca).

## **Questions/Access Request/Complaint**

Any questions regarding this or any other privacy policy of CHARGER may be directed to the Chief Privacy Officer. Requests for access to information, or to make a complaint, are to be made in writing and sent to the Chief Privacy Officer at the address below:

**Legal Department**  
**25 Production Road**  
**Brampton, ON L6T 4N8**  
**Canada**



## **Amendment to CHARGER 's Privacy Policies**

This CHARGER 's Privacy Policy is in effect and is retroactive to January 1, 2004. This policy is subject to amendment in response to developments in the privacy legislation. The Chief Privacy Officer will review and revise the Privacy Policy from time to time as required by changes in privacy law. Notification of any changes in the Privacy Policy will be posted on CHARGER 's website. Any changes in the Privacy Policy will apply to Personal information collected from the date of the posting of the revised Privacy Policy.

## **Additional Terms and Conditions**

### **Disclaimers**

Notwithstanding that we take the security precautions set out herein to protect your privacy and confidentiality, we cannot guarantee the security of your Personal information or company information. E-mails or forms sent via the Internet are neither confidential nor secure and can be viewed and modified by third parties. CHARGER will not be liable for damages arising from messages sent to it via unsecured e-mail or other messages sent electronically (SMS, etc.).

### **Transactions**

Financial transactions may be processed through a payment provider and/or the App or Software. Such financial transactions may include Personal information and/or Business information. Such third parties may access, process, and store, Personal information and/or Business information as may be required to process transactions.

### **Cookies**

CHARGER may use cookies to help understand and save users' preferences for future visits, compile aggregate data about site traffic and site interactions in order to offer better site experiences and tools in the future. We may also use trusted third-party services that track this information on our behalf. Cookies may be turned off, but if you turn cookies off, some of the features that make your site experience more efficient may not function properly.

### **CASL**

CHARGER complies with the Canada Anti-Spam Law with respect to all commercial electronic messages we send out. At any time if you would like to unsubscribe from receiving future emails, you can email us at [sales@chargerlogistics.com](mailto:sales@chargerlogistics.com) and we will promptly remove you from ALL correspondence.