

# Privacy Commitment

At ATCO Energy your privacy is important to us. We are committed to maintaining the accuracy, confidentiality and security of your personal information. In this Privacy Commitment, "we", "us", "our" and similar terms refer to ATCO Energy Ltd. We have developed this Privacy Commitment to explain how we collect, use and disclose the personal information of our customers, suppliers and other third parties. We have developed other documents that describe our privacy policies and practices with respect to our employees and with respect to our website at [www.ATCOenergy.com](http://www.ATCOenergy.com).

If you are unsure if this Privacy Commitment applies to you, please contact the office of our Privacy Officer for more information.

## What is Personal Information?

For the purposes of this Privacy Commitment, personal information means information about an identifiable individual but does not include business contact information (such as an individual's name, title, business address, business phone and fax number) when such information is collected, used or disclosed for the purpose of business communications.

## What Personal Information Do We Collect?

We collect and maintain different types of personal information in respect of individuals with whom we interact. This includes:

- contact and identification information, such as your name, address, telephone number and e-mail address;
- product and service-related information concerning the products and services that we provide to, or receive from, you, including with respect to the service, maintenance and repair of such products;
- credit and financial information such as your payment methods and preferences, and billing and credit history (where you seek credit from us, we may ask for your residential history, employment history, income sources and social insurance number to enable us to obtain and verify your credit related information);
- business relationship information, including information related to your agreements, preferences, advisors and decision-makers; and
- customer relationship information such as customer service requests and feed-back and information requested or provided by or from you.

We may also collect market-related information, which may include personal information, concerning market trends and activities impacting our business. This information may include contract terms, financial information and other information for the purpose of market analysis and strategic planning. We may also collect information related to our media, investor and public relations activities and information related to our interactions with financial and other analysts and advisors.

As a general rule, ATCO Energy collects personal information directly from you. In most circumstances where the personal information that we collect about you is held by a third party, we will obtain your permission before we seek out this information from such sources (such permission may be given directly by you, or implied from your actions). The third parties that we may collect information from include credit reporting agencies (for the purpose of conducting a credit check where you wish to obtain credit from us).

Where permitted or required by applicable law or regulatory requirements, we may collect information about you without your knowledge or consent.

## Why Do We Collect Personal Information?

ATCO Energy collects personal information to enable us to manage and develop our business and operations, including:

- to establish and maintain relations with you so that we may provide you with, or receive from you, the products and services that have been requested (for example, we will use your personal information to establish your identity and location so that we may accurately deliver and bill for the products and services that you request);
- where you have requested credit, to confirm your financial situation, obtain a credit check and determine your initial and ongoing eligibility for credit and, where credit is granted, to administer and manage our credit relationship with you;
- to be able to review the products and services that we provide to you so that we may understand your requirements for our products and services and so that we may work to improve our products and services;
- to be able to review the products and services that we obtain from you so that we may work with you and so that you may understand our requirements for such products and services and work to improve the products and services that you provide to us;
- to be able to inform you of our products and services other than those that you have specifically requested, including sending you information promoting our other products and services;
- to be able to comply with your requests (for example, if you prefer to be contacted at a business or residential telephone number and advise us of your preference, we will use this information to contact you at that number);
- to protect us against error, fraud, theft and damage to our goods and property;
- to enable us to undertake our environmental, health and safety activities, including incident planning, response and investigation;
  - to enable us to comply with applicable law or regulatory requirements (for example, we may

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collect personal information to satisfy the obligations imposed on us by various regulatory boards or agencies to follow procedures mandated by such boards or agencies in respect of the provision of our products and services); and

- any other reasonable purpose to which you consent.

## How do we Use Your Personal Information?

We may use your personal information:

- for the purposes described in this Privacy Commitment; or
- for any additional purposes for which we have obtained your consent to the use or disclosure of your personal information (which consent may be expressed, deemed or implied, as explained below).
  - We may use your personal information without your knowledge or consent where we are permitted or required by applicable law or regulatory requirements to do so.

## When do we Disclose Your Personal Information?

We may share your personal information with our employees, contractors, consultants and other parties (including other members of the ATCO Group) who require such information to assist us with establishing, maintaining and managing our relationship with you, including: third parties that provide services to us or on our behalf; third parties that collaborate with ATCO Energy in the provision of services to you; and, third parties whose services we use to perform our services.

For example, Wipro Solutions Canada Ltd and members of the ATCO Group, may provide certain information technology and data processing services to us from time to time so that we may operate our business, and as result, your personal information may be collected, used, processed, stored or disclosed in the Canada, the United States and India.

Where you have requested credit we may share your personal information with credit bureaus, credit reporting agencies and financial institutions to confirm your financial situation and your initial and ongoing eligibility for credit, with third parties retained to administer or service your credit for the purpose of such administration or servicing and with third parties as may be necessary for the protection of our business.

Further, your personal information may be disclosed:

- as permitted or required by applicable law or regulatory requirements;
- to comply with valid legal processes such as search warrants, subpoenas or court orders;
- as part of ATCO Energy's regular reporting activities to other members of the ATCO Group;
- in order to administer or service your credit with us;

- to protect the rights and property of ATCO Energy;
- during emergency situations or where necessary to protect the safety of a person or group of persons;
- where the personal information is publicly available; or
- with your consent.

In addition, personal information may be disclosed or transferred to another party (including to another member of the ATCO Group) in the event of a change in ownership of, or a grant of a security interest in, all or a part of ATCO Energy through, for an example, an asset or share sale, or some other form of business combination, merger or joint venture, provided that such party is bound by appropriate agreements or obligations and required to use or disclose your personal information in a manner consistent with the use and disclosure provisions of this Privacy Commitment, unless you consent otherwise.

## Your Consent is Important to Us

It is important to us that where we collect, use or disclose your personal information, we have your consent to do so. Depending on the sensitivity of the personal information, your consent may be implied, deemed (using an opt-out mechanism) or express. Express consent can be given orally, electronically or in writing. Implied consent is consent that can reasonably be inferred from your action or inaction. For example, when you accept our products or services, we will assume your consent to the collection, use and disclosure of your personal information for purposes related to your acceptance and use of those products or services, or for other purposes identified to you at the relevant time.

Typically, we will seek your consent at the time that we collect the personal information. In certain circumstances, your consent may be obtained after collection but prior to our use or disclosure of your personal information. If we plan to use or disclose your personal information for a purpose not previously identified (either in this Privacy Commitment or separately), we will endeavor to advise you of that purpose before such use or disclosure.

As we have described above, we may collect, use or disclose your personal information without your knowledge or consent where we are permitted or required to do so by applicable law or regulatory requirements.

You may change or withdraw your consent at any time, subject to legal or contractual restrictions and reasonable notice, by contacting the office of our Privacy Officer using the contact information set out below. All communications with respect to such withdrawal or variation of consent should be in writing and addressed to our Privacy Officer. We assume that, unless you advise us otherwise, by dealing with us you have consented to the collection, use and disclosure of your personal information as explained in our Privacy Commitment.

## How is Your Personal Information Protected?

ATCO Energy endeavors to maintain physical, technical and procedural safeguards that are appropriate to the sensitivity of the personal information in question. These safeguards are designed to prevent your personal information from loss

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and unauthorized access, copying, use, modification or disclosure.

The security of your personal information is important to us, please advise our Privacy Officer immediately of any incident involving the loss or unauthorized access, use, modification or disclosure of personal information that is in our custody or control.

## How Long is Your Personal Information Retained?

Except as otherwise permitted or required by applicable law or regulatory requirements, ATCO Energy endeavors to retain your personal information only for as long as it believes is necessary to fulfill the purposes for which the personal information was collected (including, for the purpose of meeting any legal, record retention, accounting or other reporting requirements or obligations). We may, instead of destroying or erasing your personal information, make it anonymous such that it cannot be associated with or tracked back to you.

## Updating Your Personal Information

Since we use your personal information to provide products and services to you, or to obtain products and services from you, it is important that the information contained in our records is both accurate and current. If your personal information happens to change during the course of our relationship, please keep us informed of such changes.

In some circumstances we may not agree with your request to change your personal information and will instead append an alternative text to the record in question.

## Access to Your Personal Information

You can ask to see the personal information that we hold about you. If you want to review, verify or correct your personal information, please contact ATCO Energy at 1-844-OUR-ATCO (687-2826). Should they be unable to help you, please contact our Privacy Officer using the contact information provided. Please note that any such communication must be in writing.

When requesting access to your personal information, please note that we may request specific information from you to enable us to confirm your identity and right to access, as well as to search for and provide you with the personal information that we hold about you. We may charge you a fee to access your personal information; however, we will advise you of any fee in advance. If you require advice about preparing your request, please contact the office of our Privacy Officer.

Your right to access the personal information that we hold about you is not absolute. There are instances where applicable law or regulatory requirements allow or require us to refuse to provide some or all of the personal information

that we hold about you. In addition, the personal information may have been destroyed, erased or made anonymous in accordance with our record retention obligations and practices.

In the event that we cannot provide you with access to your personal information, we will endeavour to inform you of the reasons why, subject to any legal or regulatory restrictions.

## Inquiries or Concerns?

If you have any questions about this Privacy Commitment or concerns about how we manage your personal information, please contact the office of our Privacy Officer by telephone, in writing or by e-mail. We will endeavor to answer your questions and advise you of any steps taken to address the issues raised by you. If you are unsatisfied with our response, you may be entitled to make a written submission to the Privacy Commissioner applicable for your jurisdiction.

## Privacy Officer

We have appointed a Privacy Officer to oversee compliance with this Privacy Commitment. The contact information for our Privacy Officer is as follows:

Privacy Officer, ATCO Energy

Address: 2<sup>nd</sup> Floor East Tower, 5302 Forand Street SW  
Calgary, AB T3E 8B4

Telephone: 1-844-786-2826

Email: [Privacy@ATCOenergy.com](mailto:Privacy@ATCOenergy.com)

## Revisions to this Privacy Commitment

ATCO Energy may from time to time make changes to this Privacy Commitment to reflect changes in our legal or regulatory obligations or in the manner in which we deal with your personal information. We will post any revised version of this Privacy Commitment on our website, and we encourage you to refer back to it on a regular basis. Any changes to this Privacy Commitment will be effective from the time they are posted, provided that any change that relates to why we collect, use or disclose your personal information will not apply to you unless you consent to such change. This Privacy Commitment was last updated on March 9, 2016.

## Interpretation of this Privacy Commitment

This Privacy Commitment includes examples but is not intended to be restricted in its application to such examples, therefore where the word 'including' is used, it shall mean 'including without limitation'. This Privacy Commitment is subject to ATCO Energy's privacy policies and practices and is not intended to modify such policies and practices or to create new rights or obligations not contained within such policies and practices.