

HEMEON LEARNING INC.

PRIVACY CODE

INTRODUCTION

Hemeon Learning Inc. (“Hemeon Learning”) is a Canadian eLearning company providing customized eLearning solutions to clients based across Canada.

This Privacy Code sets out:

- (a) our privacy commitment to the protection of personal information of our employees, and personal information obtained through individuals accessing website or through engaging us to provide customized eLearning solutions;
- (b) how we manage personal information, safeguards privacy in accordance with the *Personal Information Protection and Electronic Documents Act (“PIPEDA”)* of Canada;
- (c) comply with Canada’s international obligations for data protection under General Data Protection Regulation (“GDPR”).¹

This Privacy Code is also intended to assist us to meet our obligations under respecting the personal information of our employees and service providers PIPEDA and GDPR.¹

PIPEDA is built on the following principles of fair information principles: Accountability, identifying purposes, consent, limiting collection, limiting use, disclosure and retention, accuracy, safeguards, openness, individual access, challenging compliance. Compliance with PIPEDA is under the authority of the Privacy Commissioner of Canada (priv.gc.ca/en/contact-the-OPC).

The GDPR applies to organizations that have an established presence in the EU, offer goods and services to individuals in the EU or monitor the behaviour of individuals in the EU. The GDPR applies when personal data is “processed” and defines processing as “any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.” Data controllers or processors must also respect the principle of data minimization, meaning that the processing of personal data must be limited to that which is adequate, relevant, and necessary to achieve the specified purpose. Personal data must be accurate, kept up to date, kept in a form which permits identification of data subjects for no longer than is necessary, and must be processed in a manner that ensures appropriate security of the personal data.

¹ This Privacy Code is built on the ten principles of the Canadian Standards Association (CSA) Model Code for the Protection of Personal Information which was published in March 1996 as a National Standard of Canada Federal and these principles are now incorporated in the federal *Personal Information Protection and Electronic Documents Act*.

The Privacy Code is also intended to provide open and transparent principles, policies, practices and procedures by which Hemeon Learning can meet its privacy commitment to the protection of personal information. It is also intended to set out the choices available for individuals regarding our collection, use or disclosure and processing of their personal information.

The purpose of this Privacy Code is to articulate clearly our privacy practices respecting the management of personal information collected and used by Hemeon Learning and to ensure compliance with the federal and international privacy laws. At the same time, it recognizes the needs of Hemeon Learning to collect, use or disclose personal information for legitimate business purposes versus the right of individuals to protect their personal information. The standard for the collection of personal information by Hemeon Learning is one of what a reasonable person would consider appropriate in the circumstances and complies with applicable laws.

GUIDING PRINCIPLES

The following ten principles are the basis of Hemeon Learning Privacy Code and shall guide Hemeon Learning 's management of personal information and its privacy practices together with the statutory requirements of *PIPEDA*.

1. **Accountability** – Hemeon Learning is responsible for personal information under its control including personal information not in the custody of Hemeon Learning. Hemeon Learning shall designate one or more individuals to be responsible for ensuring that Hemeon Learning complies with this Privacy Code and shall make the position name or title and contact information of each individual so designated.
2. **Identifying Purposes for Collection of Personal Information** – Hemeon Learning shall identify the purposes for which personal information is collected or before personal information is collected.
3. **Obtaining Consent for Collection, Use or Disclosure of Personal Information** – Hemeon Learning shall ensure that consent is obtained from each individual for the collection, use or disclosure or processing of their personal information unless inappropriate. Hemeon Learning shall recognize and act on any withdrawal of consent by an individual to collect their personal information.
4. **Limiting Collection of Personal Information** – Hemeon Learning shall limit the collection of personal information to the purposes identified by Hemeon Learning and shall only collect personal information using appropriate, fair and lawful means.
5. **Limiting Use, Disclosure and Retention of Personal Information** – Hemeon Learning shall not use or disclose personal information for purposes other than for the purpose it was collected unless Hemeon Learning has the consent of the individual or as provided by law. Hemeon Learning shall retain personal information for only as long as necessary to meet the purposes of the collection of the personal information.

6. Accuracy of Personal Information – Hemeon Learning shall ensure that personal information collected, used and disclosed shall be as accurate, complete and up-to date as possible for the purposes for which it has been collected used and disclosed.
7. Security Safeguards – Hemeon Learning shall take all appropriate steps to protect the personal information collected, used and disclosed and use security measures appropriate to sensitivity of the personal information.
8. Openness Concerning Policies and Practices – Hemeon Learning shall ensure that information is made available to clients and employees regarding this Privacy Code and our privacy practices regarding personal information.
9. Client Access to Personal Information – Hemeon Learning shall inform an individual of the collection, use and disclosure and processing of his/her personal information at the individual’s request and shall grant access to the individual to such personal information. An individual shall be entitled to challenge the accuracy and completeness of the personal information collected, used or disclosed by Hemeon Learning and have it amended and or corrected as necessary or appropriate.
10. Challenging Compliance – This Privacy Code and our privacy practices shall include a clear process for responding to complaints that may arise with respect to our handling and managing of personal information of customers and employees. A client or employee may make a complaint regarding Hemeon Learning ’s compliance with its privacy policies and practices to the designated individual in accordance with our complaint process.

APPLICATION OF THE PRIVACY CODE

1.1 Hemeon Learning as a private sector organization is required to comply with the purposes of the *PIPEDA* and GDPR and therefore this Privacy Code sets out Hemeon Learning’s policies and practices for managing personal information of individuals being collected, used and disclosed or processed from our clients, employees and or services providers or through our Website whether collected, used or disclosed or processed orally, electronically or in writing in compliance with *PIPEDA* and GDPR.

Under *PIPEDA*, personal information includes any factual or subjective information, recorded or not, about an identifiable individual. This includes information in any form, such as: * age, name, ID numbers, income, ethnic origin, or blood type; * opinions, evaluations, comments, social status, or disciplinary actions; and * employee files, credit records, loan records, medical records, existence of a dispute between a consumer and a merchant, intentions (for example, to acquire goods or services, or change jobs).

There are some instances where *PIPEDA* does not apply. Some examples include: * Personal information collected, used or disclosed by federal government organizations listed under the Privacy Act. * Provincial or territorial governments and their agents. * Business contact information—including an employee’s name, title, business address, telephone number facsimile number or email addresses—which an organization collects, uses or discloses solely for the

purpose of communicating with a person in relation to their employment, business or profession.
* an individual's collection, use or disclosure of personal information strictly for personal purposes (e.g. personal greeting card list). * an organization's collection, use or disclosure of personal information solely for journalistic, artistic or literary purposes.

Schedule 1 of PIPEDA sets out 10 principles of fair information practices, which form the ground rules for the collection, use and disclosure of personal information, as well as for providing access to personal information. These principles give individuals control over how their personal information is handled in the private sector. In addition to the principles set out under Schedule 1 of PIPEDA, the Act contains an overriding obligation that any collection, use or disclosure of personal information must only be for purposes that a reasonable person would consider are appropriate in the circumstances. This overarching standard of appropriateness of purposes continues to apply, independent from the provisions of Schedule 1 of the Act.

Hemeon Learning strives as an organization to be responsible for the protection of personal information and the fair handling of it at all times, throughout the organization and in dealings with third parties.

1.2 The following categories of personal information are exempt from the *PIPEDA* privacy practices and policies of our Privacy Code:

- Personal information handled by federal government organizations listed under the *Privacy Act*;
- Provincial or territorial governments and their agents;
- Business contact information such as an employee's name, title, business address, telephone number or email addresses that is collected, used or disclosed solely for the purpose of communicating with that person in relation to their employment or profession;
- An individual's collection, use or disclosure of personal information strictly for personal purposes (e.g. personal greeting card list); and
- An organization's collection, use or disclosure of personal information solely for journalistic, artistic or literary purposes.

PRIVACY POLICIES AND PRACTICES

Accountability

2.1 In order to meet its responsibilities for personal information under its possession or control, Hemeon Learning appoints Leah Hemeon and or her designate to be accountable for Hemeon Learning's compliance with this Privacy Code and its statutory requirements under *PIPEDA* and GDPR.

2.2 The contact information of persons designated to be accountable for Hemeon Learning's compliance with the Privacy Code shall be made known upon request.

2.3 Hemeon Learning does not provide personal information to third parties except as compelled by law.

2.4 Hemeon Learning has put in place procedures and practices to give effect to this Privacy Code and shall include:

2.4.1 Procedures and practices to protect personal information and to oversee compliance with this Privacy Code;

2.4.2 Procedures and practices to receive and respond to requests for personal information, inquiries and complaints under *PIPEDA* and GDPR;

2.4.3 Methods and means for training and communicating our privacy procedures and practices to employees; and

2.4.4 Methods and means for communicating our privacy procedures and practices to our clients and the public.

2.5 Hemeon Learning shall continue to update and enhance its privacy policies and practices on an as and when basis.

Purposes of Collection

3.1 Hemeon Learning collects, uses and discloses personal information from clients and employees for the provision of eLearning solutions to clients and for legitimate business interests only.

3.2 In using and disclosing personal information as part of its contractual agreement(s), such personal information shall only be collected, used, processed and disclosed as necessary for the performance of Hemeon Learning 's business and contractual obligations.

3.3 Hemeon Learning also collects uses and discloses personal information of its clients, employees or visitors to its Website but such personal information shall only be collected, used or processed and disclosed for legitimate business interests that a reasonable person would consider appropriate in the circumstances and that fulfill the purposes that Hemeon Learning has disclosed to the individual in accordance with *PIPEDA*.

3.4 Hemeon Learning shall identify and specify orally, electronically or in writing to the client, employee or visitor to its Website the purposes for which personal information is collected, used, processed and disclosed at or before the time the personal information is collected.

3.5 Hemeon Learning shall not collect, disclose or use personal information for any purpose not identified or specified to an individual without obtaining their consent.

Consent

4.1 Hemeon Learning will obtain consent from an individual when collecting, using, processing or disclosing personal information of its clients, individuals, employees, and contractors for the purposes outlined above.

4.2 Consent will be explicit for EU individuals and may be explicit (orally or in writing) or implied. Consent may be implied by Hemeon Learning where at the time consent is deemed as follows:

- 4.2.1 the purpose would be considered obvious to a reasonable person;
- 4.2.2 the individual has freely and voluntarily provided the personal information for that purpose; or
- 4.2.3 Hemeon Learning has given notice of the collection of personal information for a specified period in a form that can be reasonably understood of its intention to collect, use, process or disclose the personal information and the individual is given a reasonable period of time to decline or revoke and does not decline or revoke and it is reasonable to collect, use, process or disclose having regard to the sensitivity of the personal information and that it is collected solely for legitimate business purposes.

4.3 Consent will always be obtained for EU individuals where it is not for legitimate business purposes and EU individuals will have the ability to revoke such consent at any time. -Consent is not required for the following personal information which is permitted to be collected and used from an individual or from a source other than an individual without limitations:

- 4.3.1 is clearly in the interest of the individual and consent cannot be obtained in a timely way;
- 4.3.2 is necessary for medical treatment of the individual and individual is unable to give consent;
- 4.3.3 it is reasonable to expect that the collection or use with the consent of individual would compromise the availability or accuracy of the personal information and the collection is reasonable for an investigation or a proceeding;
- 4.3.4 organization is [a](#) credit reporting agency and collection is for a credit report and individual consents at the time the original collection occurs;
- 4.3.5 is required or authorized by law;
- 4.3.6 personal information is necessary to facilitate collection of debt owed or payment of debt to an organization;
- 4.3.7 collection or use of employee personal information is reasonable for establishing, managing or terminating an employment relationship; and
- 4.3.8 for any other category identified under *PIPEDA*.

4.4 With respect to EU individuals, Hemeon Learning shall obtain explicit consent from the individual to the disclosure of personal information. With respect to the disclosure of personal information for all other individuals, Hemeon Learning shall obtain consent from the individual, with the exception of the following personal information which is permitted to be disclosed from an individual or from a source other than an individual without limitations:

- 4.4.1 is clearly in the interest of the individual and consent cannot be obtained in a timely way;
- 4.4.2 is necessary for medical treatment of the individual and individual is unable to give consent;
- 4.4.3 it is reasonable to expect that the disclosure with the consent of individual would compromise the availability or accuracy of the personal information and the collection is reasonable for an investigation or a proceeding;
- 4.4.4 organization is a credit reporting agency and disclosure is for a credit report and individual consents at the time the original collection occurs;
- 4.4.5 is required or authorized by law;
- 4.4.6 personal information is necessary to facilitate collection of debt owed or payment of debt to an organization;
- 4.4.7 personal information is disclosed in accordance with a provision of a treaty that authorizes or requires its disclosure or is made under an enactment of Canada;
- 4.4.8 disclosure is for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of personal information;
- 4.4.9 the disclosure is to a public body or a law enforcement agency in Canada, concerning an offence under the laws of Canada or a province, to assist in an investigation, or in the making of a decision to undertake an investigation;
- 4.4.10 there are reasonable grounds to believe that compelling circumstances exist that affect the health and safety of any individual and if notice of disclosure is mailed to the last known address of the individual to whom the personal information relates;
- 4.4.11 the disclosure is for the purpose of contacting next of kin or a friend of an injured, ill or deceased individual;
- 4.4.12 the disclosure is to an archival institution if the collection of personal information is reasonable for research or archival purposes; and
- 4.4.13 disclosure of employee personal information is reasonable for establishing, managing or terminating an employment relationship.

4.5 Wherever possible, Hemeon Learning shall seek consent to collect, use, process or disclose personal information from an individual, client, employee or service provider at the time in which the personal information is collected. In the event that this is not possible, Hemeon Learning will seek consent after the personal information is collected but prior to it being used, processed or disclosed for a different purpose that has not been identified or specified.

4.6 When determining whether express or implied consent is required for all individuals other than EU individuals where there must be explicit consent, Hemeon Learning shall take into account the sensitivity of the personal information and the reasonable expectations of the client/customer, individual, employee or service provider.

4.7 With the exception of EU individuals where explicit consent is required, Hemeon Learning will, generally, imply consent to collect, use or disclose personal information for its purposes, where an employee accepts employment or receives benefits.

4.8 When seeking consent for the collection of personal information from a client/customer, individual, employee or service provider, Hemeon Learning shall set out the choices available to individuals regarding Hemeon Learning's collection, use, processing or disclosure of the personal information at the time of collection or prior to the use or disclosure of such personal information.

4.9 Upon obtaining consent, Hemeon Learning may record such consent as via phone, by mail, the Internet, a note to file, copy of an email, copy of a check off box or entry in database field.

Withdrawal of Consent

5.1 Hemeon Learning will honour a request of an individual to revoke or withdraw his or her consent to the collection, use, processing or disclosure of personal information by email and when it receives email notice will immediately stop collecting, using, processing or disclosing that personal information unless it meets one of the exceptions noted above or would frustrate the performance of a legal obligation or consent was given to a credit reporting agency or is for legitimate business purposes.

Limiting Collection of Personal Information

6.1 When collecting personal information of a client, individual, employee or subcontractors, Hemeon Learning shall disclose to the individual verbally or in writing, the purposes for the collection of the personal information and shall limit the collection to the identified and specified purposes.

6.2 Hemeon Learning shall only collect personal information by reasonable, fair and lawful means.

6.3 Hemeon Learning generally, collects personal information from its clients, employees and subcontractors although in certain circumstances, Hemeon Learning may collect personal information from third parties, such as credit bureaus, employers or personal references but only from those third parties that represent that they have a right to disclose such personal information.

Limiting Use, Disclosure and Retention of Personal Information

7.1 Other than where Hemeon Learning has explicit or implied consent of the individual or third party or by operation of law, Hemeon Learning shall not use or disclose personal information for purposes other than those identified and specified.

7.2 Hemeon Learning shall only retain personal information of an individual for the period necessary to fulfill the purposes identified and specified, by operation of law or where making a decision regarding a client/customer, employee or vendor or service provider as long as is reasonable to give such individuals the opportunity to access the personal information concerning the making of the decision.

7.3 Hemeon Learning shall limit the access of its employees to personal information to those who are participating in the collection, use, processing or disclosure of personal information as part of their duties or to those who have a need to know within Hemeon Learning .

7.4 Hemeon Learning shall maintain the means via reasonable controls, systems and practices whereby personal information that no longer is necessary to retain is destroyed, erased or rendered anonymous.

Accuracy and Security of Personal Information

8.1 Hemeon Learning shall make all reasonable effort to ensure that personal information collected is accurate and complete for the purposes in which it is collected particularly where the personal information is likely going to affect the individual to who the personal information relates or is likely to be disclosed to another organization.

8.2 All personal information used by Hemeon Learning shall be as accurate and complete as possible and where such personal information is being used to make a decision that directly affects an individual, such personal information will where applicable be retained by Hemeon Learning for one year in order to provide a reasonable opportunity for access by the individual.

8.3 Hemeon Learning shall take reasonable security arrangements to prevent the unauthorized access, collection, use, disclosure, copying, modification or disposal of personal information in its custody and control in whatever form it is held. Such security arrangements will include protection from loss or theft and physical measures, such as locking filing cabinets, restricting access to offices and alarm systems, technological tools, such as passwords, encryption, firewalls and anonymizing software, and organizational tools, such as security clearances, limiting access on a need to know basis, staff training and confidentiality agreements.

8.4 Hemeon Learning shall destroy its documents containing personal information or remove the means by which personal information can be associated with the individual as soon as the purpose for which the personal information was collected is no longer being served by its retention or retention is no longer necessary for legal or business purposes.

8.5 Hemeon Learning shall not use deceptive or coercive means to collect personal information and shall not dispose of personal information with intent to evade a request for access to personal information.

8.6 Hemeon Learning shall protect personal information by ensuring that confidentiality provisions bind both third parties in which personal information is disclosed and employees who have access to personal information.

8.7 Hemeon Learning shall regularly review and update security measures for personal information where applicable.

Access to and Correction of Personal Information

9.1 Where Hemeon Learning has collected, used, processed or disclosed personal information of an individual that is within the statutory authority of *PIPEDA* or *GDPR*, an individual shall have the right to access and correct their personal information in accordance with the following access and correction procedure:

- 9.1.1 the individual may, in writing, make a request to Leah Hemeon or her designate concerning his or her personal information under the control of Hemeon Learning;
- 9.1.2 Hemeon Learning shall provide information concerning the ways in which personal information of the individual has been and is being used by Hemeon Learning or has been disclosed by Hemeon Learning;
- 9.1.3 the names of individuals and organizations to whom the personal information has been requested;
- 9.1.4 with the exception of the following personal information, Hemeon Learning will provide access to an individual's personal information:
 - (i) personal information is protected by solicitor-client privilege;
 - (ii) disclosure would reveal confidential commercial information that if disclosed could in the reasonable opinion of a reasonable person harm the competitive position of Hemeon Learning;
 - (iii) personal information was collected where consent is not required for the purposes of an investigation or where proceedings have not been completed;
 - (iv) where personal information was collected by a credit organization 12 months prior to the request from the individual;
 - (v) where the disclosure would threaten the safety, physical or mental health of an individual, cause immediate or grave harm to the safety or physical or mental health of an individual, or would reveal personal information about another individual;
- 9.1.5 having reviewed the personal information requested, the individual may request Hemeon Learning to correct an error or omission in that personal information that is: (i) about the individual and (ii) is under the control of Hemeon Learning;
- 9.1.6 Hemeon Learning shall respond to an individual's request no later than 30 days from the date of an individual's request unless the individual has not given sufficient detail to enable Hemeon Learning to identify the personal information being requested or more time is needed given the large volume of personal information being requested which would unreasonably interfere with Hemeon Learning's operation or there is a need for more time to consult with another organization or public body to determine whether to give access to the requested document. In those circumstances, Hemeon Learning may extend the time an additional 30 days or seek a longer period of time to respond from the privacy commissioner and will advise the individual of the extension in time, the time period of the extension and the rights of the individual to complain about the extension;
- 9.1.7 in responding to an individual's request, Hemeon Learning shall advise the individual when access to personal information in whole or in part is being

refused, the reasons for the refusal and the contact information of the officer or employee of Hemeon Learning who can answer the individual's questions concerning the refusal;

9.1.8 Hemeon Learning shall make a reasonable effort to assist each applicant to respond accurately and completely as is reasonably possible to their request;

9.1.9 Hemeon Learning shall make the correction as soon as reasonably possible or send the corrected personal information to each organization which the personal information was disclosed during the year prior to the date the correction was made, where Hemeon Learning is satisfied that there are reasonable grounds for the request; and

9.1.10 where Hemeon Learning does not make a correction, it shall annotate the personal information under its control that a request was made but the request was not implemented.

Challenging Compliance

10.1 Hemeon Learning shall maintain a process for addressing and responding to complaints or inquiries regarding its compliance with this Privacy Code including where appropriate a process for seeking external advice prior to responding to individual complaints or inquiries.

10.2 A client, individual or employee or contractor may make a complaint or inquiry regarding Hemeon Learning's compliance with this Privacy Code as follows:

10.2.1 An individual shall file a written complaint or inquiry to Leah Hemeon and/or her designate outlining the failure of Hemeon Learning to comply with this Privacy Code and the specified section and or principle.

10.2.2 Hemeon Learning shall investigate all written complaints or inquiries regarding its compliance with this Privacy Code.

10.2.3 Where an investigation determines that a complaint is justified or action is required regarding an inquiry, Hemeon Learning shall take all appropriate steps to resolve the complaint or take appropriate action to address the inquiry including where applicable amending the policies, practices and procedures of this Privacy Code.

10.2.4 Wherever possible, Hemeon Learning shall respond to a written complaint within 30 days provided the written complaint or inquiry provides sufficient information to respond to. This response shall include details regarding the outcome of the investigation and individual's complaint or inquiry.

10.2.5 In the event that Hemeon Learning seeks external advice, the period to respond may be extended for a reasonable period necessary to obtain such external advice.

10.3 In the event that an individual is not satisfied with handling of its complaint by Hemeon Learning, the individual may seek the assistance of the Office of the Privacy Commissioner of Canada. The contact information for the Privacy Commissioner may be found at: <https://www.priv.gc.ca/en/contact-the-opc/contact-the-information-centre/>.

Transparency of Privacy Policies, Practices and Procedures

11.1 Hemeon Learning shall make its privacy policies, practices and procedures available on its website and readily available to individuals in person, in writing, by telephone or as applicable in Hemeon Learning publications.

11.2 Hemeon Learning shall also make its policies, practices and procedures understandable for its individuals, employees and the public by identifying who within Hemeon Learning is responsible for compliance with this Privacy Code, how personal information can be accessed by individuals, what personal information is held by Hemeon Learning and how it is used.

The contact information for Leah Hemeon is as follows:

leah@hemeon.ca

Current contact information can also be found on Hemeon Learning 's website at www.hemeonlearning.com

To review the *Protection of Privacy Act* and *Personal Information Protection Act*, access to the Act can be found at <https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-privacy-act/> and General Data Protection Regulation can be found at: <https://eugdpr.org/>.

A comparison of GPDR and PIPA has been prepared by Office of the Information and Privacy Commissioner of British Columbia.