

# FIRST DATA LOAN COMPANY, CANADA

## PRIVACY PRINCIPLES

At First Data Loan Company, Canada (“FDLCC”, “we”, “us” or “our”), we know that the accuracy, confidentiality, security, and privacy of personal information is important to you. These Privacy Principles inform individuals we deal with how we collect, maintain, use, and disclose personal information.

Our Privacy Principles apply to personal information about individuals we deal with in the course of our business in Canada. Personal information is information that identifies and relates to a specific individual, as more particularly defined in applicable privacy legislation. Individuals we may deal with in the course of our business may include merchants carrying on a business alone or in partnership with other individuals, or employees or principals of our corporate clients. We also deal indirectly with consumers that process transactions with our customers. These Privacy Principles do not apply to information about our employees or information that is not personal information.

### **1. We Obtain and Use Personal Information as Needed to Provide Our Goods and Services.**

Our customers are businesses who rely on us to enable payments by credit, debit or stored value card at the point of sale or over the Internet. We generally receive personal information in two ways. First, we may obtain personal information about the individuals who own and operate the businesses we serve. Second, we may receive personal information as a result of processing consumers’ financial transactions with our business customers.

Personal information we collect may include:

- Personal information provided on our merchant applications, such as contact information, ownership interest of the business applicant, banking information, financial references, personal debts, mortgage status and other credit information, date of birth, Social Insurance Number (if provided) and other personal identifiers provided by the applicant.
- Credit, financial and related information collected with the individual’s consent from other sources, such as credit grantors, credit bureaus, income sources and personal references.
- Information we may compile regarding our business relationship, such as transaction records and payment history, and customer service records.
- records relating to consumers’ financial transactions with our business customers obtained and compiled in connection with performing processing services to those customers.
- Contact information provided by third parties with whom we have a business relationship for use as sales leads.

We collect and use personal information to the extent we need it to:

- Establish and maintain a customer relationship, including assessing eligibility of a customer or prospective customer for our products and services, evaluate creditworthiness, and– verify the identity of the persons we do business with;
- Provide our goods and services, including customer service;
- Carry on our business, including completing a payment transaction requested by a consumer and effecting settlement with our business customers;

- If we have consent, offer new or additional products and services to our existing customers, including some products and services provided by third parties;
- Comply with legal or regulatory requirements, including reporting requirements
- Protect our interests and those of our customers (for example, preventing fraud)
- Process and compile invoices and billing information;
- Manage, administer, collect or otherwise enforce our customers' accounts;
- Register and enforce security interests
- Maintain business records for reasonable periods, and generally manage and administer our business;
- Comply with money laundering, terrorist financing or similar laws in Canada and foreign countries, including checking identity against watch lists established by regulatory agencies or similar bodies in Canada and other countries; and
- Meet legal, regulatory, insurance, security, audit and processing requirements.

We may otherwise collect and use personal information with consent (for example, for additional purposes identified to you at the time of collection) or as permitted or required by law.

## **2. We May Disclose Your Personal Information In Certain Circumstances.**

We may disclose personal information:

- To our business partners (for instance, financial institutions) who work jointly with us in providing products and services ("Business Partners"), for example personal information provided in a joint merchant application or transaction or financial information connected to an individual's use of our products and services;
- To credit card issuers whose card transactions we process, including transaction records and information in connection with chargebacks and returns;
- To card associations for processing, authorization and authentication purposes and to comply with card industry regulations;
- To lenders (including our Business Partners), credit bureaus and credit reporting agencies in the course of ongoing credit and financial evaluations and for the purpose of providing credit references;
- As necessary to register security interests, and to enforce security or otherwise collect and enforce amounts owing to us;
- To our affiliates, including outside of Canada, for internal audit, management, billing or administrative purposes; and
- If we have consent, to third parties, including our affiliates and Business Partners, for the purpose of offering and marketing our products and services or, in some cases, the third party's products and services to new and existing customers of FDLCC or such third party.

We may transfer certain personal information to business service providers such as cheque printers, data processors and collection agencies that assist us in providing products and services to our customers. Such business service providers may include our affiliates. Note that some of these service providers and affiliates are located and may perform services outside of Canada, and your personal information may be transferred to or processed outside of Canada for the purposes described in these Privacy Principles. We take reasonable measures to ensure that personal information that may be processed by these service providers on our behalf is protected and not used or disclosed for purposes other than as directed by us,

subject to requirements in foreign jurisdictions applicable to those organizations, for example, lawful requirements to disclose personal information to government authorities in those countries.

We may use personal information and disclose it to parties connected with the contemplated or actual financing, securitization, insuring, sale, assignment or other disposal of all or part of FDLCC or our business or assets, including for the purpose of permitting such parties to determine whether to proceed or continue with such transaction; to fulfil reporting, inspection or audit requirements or obligations to such parties; and to permit such parties to carry on the business and collect, use and disclose information substantially in accordance with these Privacy Principles.

We may otherwise disclose personal information as necessary to meet legal, regulatory (including industry self-regulatory), insurance, audit and security requirements (including as necessary to protect our business, including fraud prevention), with consent of the individual, or as permitted or required by law.

### **3. We Inform Customers About the Uses of Their Personal Information and Obtain Consent**

Either before or when we collect personal information about our customers or others, we will explain how we intend to use it and obtain the individual's consent to use it for those purposes, except in limited circumstances under statute where personal information may be collected, used or disclosed without consent. Consent to the collection, use and disclosure of personal information may be given in various ways. Consent can be express (for example, orally, electronically or on a form you may sign describing the intended uses and disclosures of personal information) or implied (for example, when you provide information necessary for a service you have requested, or in some circumstances where notice has been provided to you about our intentions with respect to your personal information and you have not withdrawn your consent for an identified purpose, such as by using an "opt out" option provided, if any). Consent may be given by your authorized representative (such as a legal guardian or a person having a power of attorney).

Generally, by providing us with personal information, we will assume that you consent to our collection, use and disclosure of such information for the purposes identified or described in these Privacy Principles, if applicable, or otherwise at the time of collection.

We collect, use and disclose your personal information with your consent, except as permitted or required by law. We may be required or permitted under statute or regulation to collect, use or disclose personal information without your consent, for example to comply with a court order, to comply with local or federal regulations or a legally permitted inquiry by a government agency, or to collect a debt owed to us.

### **4. We Will Make Reasonable Efforts to Maintain the Accuracy and Currency Of Personal Information**

We will keep personal information that remains relevant for the intended purposes or as required by law. We may keep information about you in our records for as long as it is needed for the purposes described above (including legal limitations periods, reasonable business records retention and statutory or regulatory retention requirements), even if you cease to be a customer. We will take reasonable steps to keep personal information as accurate and up-to-date as is necessary for the purpose for which the information was collected.

## **5. We Use Appropriate Security Safeguards**

At First Data, security is a priority. We will take steps to preserve the confidentiality of the personal information we collect and maintain. Access to personal information within our business will be limited to those employees and agents who need it to fulfil their business responsibilities. We employ appropriate measures to protect personal information against unauthorized access, disclosure, alteration or destruction. These measures may include, as appropriate, encryption, physical access security, computer firewalls and other appropriate technologies. Any of our service providers that handle or maintain personal information are expected to use appropriate security measures.

## **6. You Have the Right to Request Access to Your Personal Information**

Our customers have the right to request access to their personal information maintained by us, and to challenge the accuracy and completeness of the information. Personal information provided to a customer will be provided in a reasonable time and at minimal or no cost to the customer. Access rights to personal information are subject to certain legal restrictions.

We may maintain records of when we disclose personal information to third parties. Please note, however, that we do not maintain disclosure records for regular or routine disclosures such as providing personal information to our service providers and business partners, T5 and other reports to tax authorities, information disclosed in connection with returns and chargebacks, regular periodic updates and credit information to credit bureaus, and so forth.

## **7. You Have the Right to Refuse or Withdraw Consent**

Subject to legal and contractual requirements, you can refuse to consent to our collection, use or disclosure of information about you, or you may withdraw your consent to our further collection, use or disclosure of information at any time in the future by giving us reasonable notice. If you refuse or withdraw consent, we may not be able to provide you or continue to provide you with some products, services or information that may be of value to you. To refuse or withdraw consent, including to certain secondary purposes such as providing you with additional offers and information about our products and services, we may be contacted as described below.

## **8. We Hold Ourselves Accountable to Our Privacy Principles**

We have designated an officer of First Data Loan Company, Canada to be responsible for our compliance with these Privacy Principles. FDLCC takes steps to cause all employees of FDLCC to respect the confidentiality of personal information and to comply with our policies and procedures regarding the protection of personal information

## **9. We Will Respond to Your Privacy Questions and Concerns**

If you have any questions, concerns or problems about privacy, confidentiality, to withdraw your consent, or request information on how to access or correct your personal information, you may contact FDLCC's privacy officer by calling 1-888-879-4044, Ext. 3517 from 8:30 am to 8:00 pm EST or by writing to us at First Data Loan Company, Canada, 2630 Skymark Avenue, Suite 400, Mississauga, Ontario L4W 5A4, Attention: Privacy Officer. Requests to access or correct your personal information should be in writing.

## **10. Changes to our Privacy Principles**

These Privacy Principles may be revised from time to time. If we intend to use or disclose personal information for purposes not described in this statement, we may make reasonable efforts to notify affected individuals, if necessary. However, if you are concerned about how your personal information is used or disclosed, or to otherwise obtain current information about our personal information practices, you should contact us as described above to obtain a current copy of these Privacy Principles. This document is effective as of June 19, 2008.