

Hamilton Community Enterprises

Privacy Policy

Hamilton Community Enterprises Privacy Policy –
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Introduction

“Hamilton Community Enterprises” is the umbrella trade name for Hamilton Enterprises Holding Corporation, HCE Telecom, HCE Energy, Hamilton Utilities Company, and all of its subsidiaries, and is herein referred to as “the Organization”.

The Organization is committed to maintaining the accuracy, confidentiality, security and privacy of customer and employee personal information.

In March 1996, the new Canadian Standards Association *Model Code for the Protection of Personal Information*, CAN/CSA-Q830-96 (the “CSA Code”), was published as a National Standard of Canada. The Corporation subscribes to the principles of the CSA Code and the requirements of the *Personal Information Protection and Electronic Documents Act* (“PIPEDA”).

The Corporation’s Privacy Policy is a formal statement of principles and guidelines concerning the minimum requirements for the protection of personal information provided by us to our customers and employees. The objective of the policy is to conform with the National Standard and PIPEDA.

This privacy policy will be reviewed periodically and updated as required. The current form of this Policy can be found on the Corporation’s website, which may be accessed at www.hce.net.

Summary of Principles

1. **Accountability:** An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.
2. **Identifying Purposes:** The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.
3. **Consent:** The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.
4. **Limiting Collection:** The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.
5. **Limiting Use, Disclosure, and Retention:** Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information must be retained only as long as necessary for the fulfillment of those purposes.
6. **Accuracy:** Personal information shall be as accurate, complete, and up to date as is necessary for the purposes for which it is to be used.
7. **Safeguards:** Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.
8. **Openness:** An organization shall make readily available to individuals' specific information about its policies and practices relating to the management of personal information.
9. **Individual Access:** Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
10. **Challenging Compliance:** An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.

Definitions

- **Collection** – the act of gathering, acquiring, recording, or obtaining Personal Information from any source, including third parties, by any means.
- **Consent** – voluntary agreement with the collection, use and disclosure of personal information for defined purposes. Consent can be either express or implied and can be provided directly by the individual or by an authorized representative. Express consent can be given orally, electronically or in writing but is always unequivocal and does not require any inference on the part of the Corporation. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.
- **Customer** – an individual who uses(d) or applies(d) to use the services of the Corporation.
- **Disclosure** – making Personal Information available to a Third Party.
- **Employee** – an employee or pensioner of the Corporation.
- **Personal Information** – information about an identifiable individual but not aggregated information that cannot be associated with a specific individual. For a customer such information includes a customer's credit information, billing records, service and equipment, and any recorded complaints. For an employee such information includes information found in personal employment files, performance appraisals and medical and benefits information.
- **Third party** – an individual other than the customer or his agent or an organization other than the Corporation.
- **Use** – the treatment, handling, and management of Personal Information by the Corporation.

The Hamilton Community Enterprises Privacy Policy in Detail

Principle 1 – Accountability

Hamilton Community Enterprises (“the Corporation”) is responsible for personal information under its control and shall designate one or more persons who are accountable for the companies’ compliance with the following principles:

- 1.1 Responsibility for ensuring compliance with the provisions of the Corporation’s Privacy Policy rests with the senior management of the Corporation which shall designate one or more persons to be accountable for compliance with the Corporation’s Privacy Policy and the *Personal Information Protection and Electronic Documents Act*. Other individuals within the Corporation may be delegated to act on behalf of the designated person(s) or to take responsibility for the day-to-day collection and processing of Personal Information
- 1.2 The Corporation shall make known, upon request, the title of the person or persons designated to oversee the Corporation’s compliance with the Corporation’s Privacy Policy. The Corporation has designated the Corporate Privacy Officer to oversee compliance with the Hamilton Enterprises Holding Corporation Privacy Policy.

The Corporate Privacy Officer is the person identified below who can be contacted at

Director of Finance
Hamilton Community Enterprises
21 King Street West, Suite 1400
Hamilton Ontario L8P 4W7

- 1.3 The Corporation is responsible for Personal Information in its possession or control, including information that has been transferred to a Third Party for processing.
- 1.4 The Corporation has implemented policies and procedures to give effect to the Corporation’s Privacy Policy including:
 - a) implementing procedures to protect Personal Information and to oversee the company’s compliance with the *Personal Information Protection and Electronic Documents Act (PIPEDA)*
 - b) establishing procedures to receive and respond to inquiries or complaints
 - c) training and communicating to staff about the company’s policies and practices.

Principle 2 – Identifying Purposes for Collection of Personal Information

2.1 The Corporation collects Personal Information only for the following purposes:

- a) to establish and maintain responsible commercial relations with customers and to provide ongoing service
- b) to meet legal and regulatory requirements

2.2 The Corporation shall specify orally or electronically the identified purposes to the customer or employee at the time Personal Information is collected. Upon request, persons collecting Personal Information shall explain these identified purposes or refer the individual to a designated person within the Corporation who shall explain the purposes.

2.3 Unless required by law, the Corporation shall not use or disclose, for any new purpose, Personal Information that has been collected without first identifying and documenting the new purpose and obtaining the consent of the customer or employee.

Principle 3 – Obtaining Consent for Collection, Use or Disclosure of Personal Information

The knowledge and consent of a customer or employee are required for the collection, use or disclosure of Personal Information, except as follows and otherwise where inappropriate.

- 3.1 In certain circumstances Personal Information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, the Corporation may collect or use Personal Information without knowledge or consent if it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as when the individual is a minor, seriously ill or mentally incapacitated.

The Corporation may also collect, use, or disclose Personal Information without knowledge or consent if seeking the consent of the individual might defeat the purpose of collecting the information such as in the investigation of a breach of an agreement or a contravention of a federal or provincial law.

The Corporation may also use or disclose Personal Information without knowledge or consent in the case of an emergency where the life, health or security of an individual is threatened.

The Corporation may disclose Personal Information without knowledge or consent to a lawyer representing the companies, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required by law.

- 3.2 In obtaining consent, the Corporation shall use reasonable efforts to ensure that a customer or employee is advised of the identified purposes for which Personal Information will be used or disclosed. Purposes shall be stated in a manner that can be reasonably understood by the customer or employee.
- 3.3 Generally, the Corporation shall seek consent to use and disclose Personal Information at the same time it collects the information. However, the Corporation may seek consent to use and disclose Personal Information after it has been collected but before it is used or disclosed for a new purpose.
- 3.4 The Corporation will require customers to consent to the collection, use or disclosure of Personal Information as a condition of the supply of service only if such collection, use or disclosure is required to fulfill the identified purposes.
- 3.5 In determining the appropriate form of consent, the Corporation shall take into account the sensitivity of the Personal Information and the reasonable expectations of its customers and employees.
- 3.6 In general, the use of services by a customer, or the acceptance of employment or benefits by an employee, constitutes implied consent for the Corporation to collect, use and disclose Personal Information for all identified purposes.
- 3.7 A customer or employee may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Customers and employees may contact the Corporation for more information regarding the implications of withdrawing consent.

Principle 4 - Limiting Collection of Personal Information

The Corporation shall limit the collection of Personal Information to that which is necessary for the purposes identified by the company.

The Corporation shall collect Personal Information by fair and lawful means.

4.1 The Corporation collects Personal Information primarily from its customers or employees.

4.2 The Corporation may also collect Personal Information from other sources including credit bureaus, employers, or personal references, or other third parties that represent that they have the right to disclose the information.

Principle 5 – Limiting Use, Disclosure and Retention of Personal Information

The Corporation shall not use or disclose Personal Information for purposes other than those for which it was collected, except with the consent of the individual or as required by law. The Corporation shall retain Personal Information only as long as necessary for the fulfillment of the purposes for which it was collected.

- 5.1 In certain circumstances Personal Information can be collected, used, or disclosed without the knowledge and consent of the individual.
- 5.2 In addition, the Corporation may disclose a customer's Personal Information to:
 - a) an agent retained by the Corporation in connection with the collection of the customer's account
 - b) Credit grantors and reporting agencies
 - c) A person who, in the reasonable judgment of the Corporation, is seeking the information as an agent of the customer
 - d) A third party or parties, where the customer consents to such disclosure or disclosure is required by law
- 5.3 The Corporation may disclose Personal Information about its employees:
 - a) for normal personnel and benefits administration
 - b) in the context of providing references regarding current or former employees in response to requests from prospective employers
 - c) where disclosure is required by law
- 5.4 Only those employees of the Corporation who require access for business reasons, or whose duties reasonably so require, are granted access to Personal Information about customers and employees.
- 5.5 The Corporation shall keep Personal Information only as long as it remains necessary or relevant for the identified purposes or as required by law. Depending on the circumstances, where Personal Information has been used to make a decision about a customer or employee, the Corporation shall retain, for a period of time that is reasonably sufficient to allow for access by the company or employee, either the actual information or the rationale for making the decision.
- 5.6 The Corporation shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to Personal Information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased, or made anonymous.

Principle 6 – Accuracy of Personal Information

Personal Information shall be as accurate, complete, and up to date as is necessary for the purposes for which it is to be used.

- 6.1 Personal Information used by the Corporation shall be sufficiently accurate, complete, and up to date to minimize the possibility that inappropriate information may be used to make a decision about a customer or employee.
- 6.2 The Corporation shall update Personal Information about customers and employees as and when necessary to fulfill the identified purposes or upon notification by the individual.

Principle 7 – Security Safeguards

The Corporation shall protect Personal Information by security safeguards appropriate to the sensitivity of the information.

- 7.1 The Corporation shall protect Personal Information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification, or destruction, through appropriate security measures. The Corporation shall protect the information regardless of the format in which it is held.
- 7.2 The Corporation shall protect Personal Information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.
- 7.3 All employees of the Corporation with access to Personal Information shall be required as a condition of employment to respect the confidentiality of Personal Information.

Principle 8 – Openness Concerning Policies and Practices

The Corporation shall make readily available to customers and employees' specific information about its policies and practices relating to the management of Personal Information.

8.1 The Corporation shall make information about its policies and practices easy to understand, including:

- a) The title and address of the person or persons accountable for the companies' compliance with the Corporation privacy policy and to whom inquiries or complaints can be forwarded
- b) The means of gaining access to Personal Information held by companies
- c) A description of the type of Personal Information held by the companies, including a general account of its use

Principle 9 – Customer and Employee Access to Personal Information

The Corporation shall inform a customer or employee of the existence, use and disclosure of his or her Personal Information upon request and shall give the individual access to that information.

A customer or employee shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

- 9.1 Upon written request the Corporation shall afford to a customer or an employee a reasonable opportunity to review the in the individual's file. Personal Information shall be provided in understandable form within a reasonable time and at minimal or no cost to the individual.
- 9.2 In certain situations, the Corporation may not be able to provide access to all of the Personal Information that they hold about a customer or employee. For example, the Corporation may not provide access to information if doing so would likely reveal Personal Information about a third party or could reasonably be expected to threaten the life or security of another individual. Also, The Corporation may not provide access to information if disclosure would reveal confidential commercial information, if the information is protected by solicitor-client privilege, if the information was generated in the course of a formal dispute resolution process, or if the information was collected in relation to the investigation of a breach of an agreement or a contravention of a federal or provincial law. If access to Personal Information cannot be provided, the Corporation shall provide the reasons for denying access.
- 9.3 Upon request, the Corporation shall provide an account of the use and disclosure of Personal Information, and, where reasonable possible, shall state the source of the information. In providing an account of disclosure, the Corporation shall provide a list of organizations to which it may have disclosed Personal Information about the individual when it is not possible to provide an actual list.
- 9.4 In order to safeguard Personal Information, a customer or employee may be required to provide sufficient identification information to permit the Corporation to account for the existence, use and disclosure of Personal Information and to authorize access to the individual's file. Any such information shall be used for this purpose.
- 9.5 The Corporation shall promptly correct or complete any Personal Information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, the Corporation shall transmit to third parties having access to the Personal Information in question any amended information or the existence of any unresolved differences.
- 9.6 An employee can obtain information or seek access to his or her individual file by contacting his or her immediate supervisor within the Corporation.

Principle 10 – Challenging Compliance

A customer or employee shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for the compliance of the Corporation's Privacy Policy.

- 10.1 The Corporation shall maintain procedures for addressing and responding to all inquiries or complaints from its companies and employees about the companies' handling of Personal Information.
- 10.2 The Corporation shall inform its customers and employees about the existence of these procedures as well as the availability of complaint procedures.
- 10.3 The person or persons accountable for compliance with the Corporation privacy policy may seek external advice where appropriate before providing a final response to individual complaints.
- 10.4 The Corporation shall investigate all complaints concerning compliance with the Corporation's privacy policy. If a complaint is found to be justified, the company shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A customer or employee shall be informed of the outcome of the investigation regarding his or her complaint.

Addendum

(a) Visiting the Corporation's website

The Corporation may collect Personal Information that you voluntarily provide to us when you visit our website. Personal Information provided by visitors to the Corporation's Website will be collected, used and disclosed in the same manner as information collected by other means, and in a manner consistent with this Privacy Policy Statement. Since this Privacy Policy Statement may be amended from time to time, we recommend that you check the latest version of our Privacy Policy Statement each time you visit our website.

(b) Security

Personal information submitted through the Corporation's Website will be encrypted using a minimum 128-bit encryption with 1024-bit public key technology to help protect and enable its arrival in an unread and unaltered state to the Corporation's technology infrastructure. However, users should be aware that personal information could be intercepted over the Internet. The Corporation is not responsible for the interception, collection, use or alteration of information transmitted over the Internet, such as by email.

(c) Automatic Data Collection

As is the case with Websites generally, when visitors access the Corporation Website, the site software automatically collects the Internet Protocol (IP) address of the computer through which the user is connected to the Internet. The Corporation Website also automatically collects information about the user's Internet browser software, operating system, the date and time of the user's visit, the URL of the last page visited by the user before entering the Corporation family of Websites, and the pages accessed while on our site. This information is not used to gain personal information on individual users but is aggregated with that of other visitors to help us understand how the site is being used and how to make it better.

(d) Cookies

When a visitor accesses the Corporation Website, a cookie is automatically installed on the visitor's computer hard drive. A cookie is a small text file that contains a unique identification number, which can be used to identify the user's browser, but not the user. Cookies form an essential part of the Internet today by allowing Websites to recognize users' browsers when the users return to previously visited Websites. Since cookies are only text files, they cannot "run" on your computer and have no ability to search your computer for information or to transmit information to anyone. The Corporation uses cookies to provide certain features on its website. We do not use cookies to retain personal information. Users are free to prevent the installation of cookies on their computer hard drive, including the Corporation cookie, by simply disabling the feature in their browser's options. Some browsers allow users to accept or reject cookies as they are presented to the user. Please note that users will not be able to access some features and services of the Corporation website if they disable cookies.

(e) Email Communications

The Corporation adheres to a no spam policy. Therefore, you will not receive regular, unsolicited e-mail communications from the Corporation unless you have agreed otherwise, or such communications are required for the purposes identified in this Privacy Policy Statement above or to otherwise provide a product, service, or information to you that you have requested.

Please note that the Corporation reserves the right to contact you, by e-mail or otherwise, if permitted or required by law or regulatory authorities or if there has been a violation of the Corporation's Website Terms of Use.

(f) Response Tracking

The Corporation uses Website usage information about visitors to our website who have responded to a promotional campaign about the Corporation's services for the purpose of future promotional campaigns and evaluating usage statistics. For this purpose, we collect information about the campaigns and some of the pages you visit on our website through the use of tracking numbers passed through URL's transferred to our information technology as well as pixels tags (also known as clear GIFs).

As well, the Corporation may use third-party companies to host and serve online advertisements for the Corporation promotional campaigns. Pixel tags may be used in connection with online advertisements, for example, to allow us to count the number of times the advertisement was viewed versus the number of individuals who enrolled in the product or service advertised.

Personal information about you is not collected by any such third-party companies, nor is any tracking information generated from the pixel tag used by them for any purpose other than to report advertising response and Website activity to us.

(g) Links to Third-Party Sites

The Corporation's Website contains links to third-party Websites. The Corporation is not responsible for (a) any information you provide to other Websites outside of To the Corporation's domain that you access through a link on our website or (b) the privacy practices or the content of such Websites outside of the Corporation's domain.

(h) Questions

Questions about personal information collected through The Corporation's website should be addressed to the Privacy Officer and will be addressed in accordance with this Privacy Policy Statement.