

RE/MAX Eastern Realty Inc.

Policy On the Collection, Use and Disclosure Of Personal Information “Privacy Policy”

1. Objective & Scope of Policy

RE/MAX Eastern Realty Inc. is committed to respecting your privacy and has prepared this Policy to inform you of our policy and practices concerning the collection, use and disclosure of Personal Information.

This Policy governs Personal Information collected from and about (i) individuals who are or may become Clients of *RE/MAX Eastern Realty Inc.* and (ii) individuals or organizations with whom *RE/MAX Eastern Realty Inc.* works with.

Using contractual or other arrangements, *RE/MAX Eastern Realty Inc.* shall ensure that agents, contractors or third party service providers, who may receive Personal Information in the course of providing services to *RE/MAX Eastern Realty Inc.* as part of our delivery of real estate services, protect that Personal Information in a manner consistent with the principles articulated in this Policy.

This Policy does not cover aggregated data from which the identity of an individual cannot be determined. *RE/MAX Eastern Realty Inc.* retains the right to use aggregated data in any way that it determines appropriate.

In the event of questions about: (i) access to your Personal Information; (ii) *RE/MAX Eastern Realty Inc.*'s collection, use, management or disclosure of Personal Information; or (iii) this Policy; please contact:

John Hope
91 George St. N., 2nd floor
Peterborough, ON
K9J 7Y8
705-743-9111
eastern@accel.net fax: 705-743-1034

2. The Collection, Use & Disclosure of Personal Information

For the purposes of this Policy:

“Client” means an individual who may or has purchased or sold real estate or services to buy or purchase real estate;

“Personal Information” means any information, recorded in any form, about an identified individual, or an individual whose identity may be inferred or determined from such information.

Your provision of Personal Information to *RE/MAX Eastern Realty Inc.* means that you

agree and consent that we may collect, use and disclose your Personal Information in accordance with this Privacy Policy. If you do not agree with these terms, you are requested not to provide any Personal Information to *RE/MAX Eastern Realty Inc.* or a Broker or Sales Representative working with *RE/MAX Eastern Realty Inc.* Unfortunately, certain services can only be offered if you provide Personal Information and consequently, if you choose not provide us with any required Personal Information, *RE/MAX Eastern Realty Inc.* may not be able to offer you those services.

This office only collects personal information necessary to effectively market and sell the property of sellers; to locate, assess and qualify properties for buyers and to otherwise provide professional and competent real estate services to clients. *RE/MAX Eastern Realty Inc.* may also use this information for the marketing of our sales representatives.

RE/MAX Eastern Realty Inc.'s Brokers or sales representatives may use personal information for commission management purposes (e.g. commission financing, commission dispute resolution).

RE/MAX Eastern Realty Inc.'s use of Personal Information is limited to these purposes. *RE/MAX Eastern Realty Inc.* does not sell, trade, barter or exchange for consideration any Personal Information it has obtained. Unless permitted by law, no personal information is collected about an individual without first obtaining the consent of the individual to the collection, use and dissemination of that information.

Personal information will be collected, to the extent possible, directly from the individual concerned.

RE/MAX Eastern Realty Inc. does not knowingly collect Personal Information from anyone under the age of 18, especially children under 13, and does not use such information if *RE/MAX Eastern Realty Inc.* discovers that it has been provided by a minor.

Personal Information may also be transferred to another company in the event of a change of ownership of all or part of *RE/MAX Eastern Realty Inc.*

RE/MAX Eastern Realty Inc. may disclose Personal Information of Clients to organizations that perform services on its behalf. This will only be done if such organizations agree to use such information solely for the purposes of providing services to *RE/MAX Eastern Realty Inc.* and, with respect to that information, to act in a manner consistent with this Policy.

Please note that there are circumstances where the use and/or disclosure of Personal Information may be justified or permitted or where *RE/MAX Eastern Realty Inc.* is obliged to disclose information *without* consent. Such circumstances may include:

- Where required by law or by order or requirement of a court, administrative agency or other governmental tribunal;
- Where *RE/MAX Eastern Realty Inc.* believes, upon reasonable grounds, that it is necessary to protect the rights, privacy, safety or property of an identifiable person or group;
- Where it is necessary to establish or collect monies owing to *RE/MAX Eastern Realty Inc.*
- Where it is necessary to permit *RE/MAX Eastern Realty Inc.* to pursue available remedies or limit any damages that *RE/MAX Eastern Realty Inc.* may sustain; or
- Where the information is public.

Where obliged or permitted to disclose information without consent, *RE/MAX Eastern Realty Inc.* will not disclose more information than is required.

3. Accuracy

RE/MAX Eastern Realty Inc. endeavours to ensure that any Personal Information provided by Clients and in its possession is as accurate, current and complete as necessary for the purposes for which *RE/MAX Eastern Realty Inc.* uses that data. Information contained in files that have been closed is not actively updated or maintained.

4. Retention

RE/MAX Eastern Realty Inc. retains Personal Information as long as *RE/MAX Eastern Realty Inc.* believes it is necessary to fulfil the purpose for which it was collected and Firm legal or business requirements.

5. Security

RE/MAX Eastern Realty Inc. endeavours to maintain adequate physical, procedural and technical security with respect to its offices and information storage facilities so as to prevent any loss, misuse, unauthorized access, disclosure, or modification of Personal Information.

6. Protecting Information

RE/MAX Eastern Realty Inc. further protects Personal Information by restricting access to it to those Employees and Contractors that the management of *RE/MAX Eastern Realty Inc.* has determined need to know that information in order that *RE/MAX Eastern Realty Inc.* may provide services to Clients.

7. Access to Personal information

RE/MAX Eastern Realty Inc. permits access to and review of Personal Information held by *RE/MAX Eastern Realty Inc.* about an individual by the individual concerned.

If an individual believes any Personal Information concerning that individual is not correct, that person may request an amendment of that information by sending a request to the person indicated in [Section 1](#) of this Policy. *RE/MAX Eastern Realty Inc.* reserves the right not to change any Personal Information but will append any alternative text the individual concerned believes appropriate. Where not required to be retained by the Firm, an individual may also request that *RE/MAX Eastern Realty Inc.* delete an individual's Personal Information from *RE/MAX Eastern Realty Inc.* system and records. However, due to constraints of computer technology and the fact that *RE/MAX Eastern Realty Inc.* backs up its systems, Personal Information may continue to reside in *RE/MAX Eastern Realty Inc.*'s systems after deletion. Individuals, therefore, should not expect that their Personal Information would be completely removed from *RE/MAX Eastern Realty Inc.* systems in response to an accepted request for deletion.

RE/MAX Eastern Realty Inc. reserves the right to decline access to Personal Information where the information requested:

- a) Would disclose the Personal Information of another individual or of a deceased individual;
- b) Would disclose business confidential information that may harm *RE/MAX Eastern Realty Inc.* or the competitive position of a third party;
- c) Is subject to solicitor-client or litigation privilege;
- d) Could reasonably result in: (i) serious harm to the treatment or recovery of the individual concerned; (ii) serious emotional harm to the individual or another individual; or (iii) serious bodily harm to another individual;
- e) May harm, or interfere with, law enforcement activities and other investigative or regulatory functions of a body authorized by statute to perform such functions;
- f) Is not readily retrievable and the burden or cost of providing would be disproportionate to the nature or value of the information; or
- g) Does not exist, is not held, or cannot be found by *RE/MAX Eastern Realty Inc.*

Where information will not or cannot be disclosed, the individual making the request will be provided with the reasons for non-disclosure.

Where information will be disclosed, *RE/MAX Eastern Realty Inc.* will endeavor to provide the information in question within a reasonable time and no later than 30 days following the request.

RE/MAX Eastern Realty Inc. will not respond to repetitious or vexatious requests for access. In determining whether a request is repetitious or vexatious, it will consider such factors as the frequency with which information is amended, the purpose for which the information is used, and the nature of the information.

To guard against fraudulent requests for access, *RE/MAX Eastern Realty Inc.* will require sufficient information to allow it to confirm the identity of the person making the request before granting access or making corrections.

8. Amendment of Practices and This Policy

This statement is in effect as of *JANUARY 1, 2004*. *RE/MAX Eastern Realty Inc.* will from time to time review and revise its privacy practices and this Policy. In the event of any amendment, an appropriate notice will be communicated to Clients and others in an appropriate manner.