PRIVACY POLICY

SECURING YOUR PRIVACY IS OUR PRIORITY

Sutton | centre-ouest inc.
agence immobilière

GROUPE SUTTON-CENTRE OUEST PRIVACY POLICY

Groupe Sutton Centre-Ouest (hereinafter the "AGENCY" or the "BROKER") is governed by the Act respecting the protection of personal information in the private sector (CQLR, c. P-39.1) ("the Act").

Personal information
Personal information is any information that relates to a natural person and allows that person, directly or indirectly, to be identified. A written document, an image, a video, or a sound recording may contain personal information. In the course of its/his professional activities, the AGENCY or the BROKER may collect personal information such as the name, home address, date of birth, identification document information, social insurance number, income information, marital status, etc.

Consent
The AGENCY or the BROKER may collect, use, and communicate personal information with the consent of the person concerned. To be valid, consent must be manifest, free, enlightened, and given for specific purposes. The person who consents to provide his/her personal information is presumed to consent to its use and communication for the purposes for which it was collected.

Any person may at any time withdraw his/her consent to the collection, use, and communication of his/her personal information by the AGENCY or the BROKER. In such cases, if the collection is necessary for the conclusion or performance of the contract by the AGENCY or the BROKER, the AGENCY or the BROKER may not be able to fulfil a request for service.

Responsibility
The AGENCY or the BROKER is responsible for protecting the personal information held in the course of its/his real estate brokerage activities. To this end, the AGENCY or the BROKER has adopted a privacy policy as well as governance policies and practices concerning personal information, the purpose of which is to control the collection, use, communication, retention, and destruction of personal information.

Collection of personal information
The AGENCY or the BROKER collects only such personal information as is necessary to carry out its/his real estate brokerage activities. For example, this information may be collected for the purposes of carrying out a real estate transaction, record keeping, monitoring of professional practices by the Organisme d'autoréglementation du courtage immobilier du Québec (OACIQ), or any other purpose determined by the AGENCY or the BROKER and made known to the person whose consent is being sought.

The AGENCY or the BROKER encourages its/his staff members to explain in simple and clear terms to the person concerned the reasons for the collection of personal information, and to make sure these reasons are understood.

For the purpose of collecting personal information, the AGENCY or the BROKER encourages staff members to use the standardized forms developed by the OACIQ.

The AGENCY or the BROKER may also collect personal information verbally in the course of correspondence with persons involved in a transaction, or through various documents submitted for the completion of a real estate transaction (identification documents, financial documents, powers of attorney, etc.).

Use and communication of personal information

Personal information is used and communicated for the purposes for which it was collected and with the consent of the person concerned. In certain cases, provided for under the Act, personal information may be used for other purposes, for example, to detect and prevent fraud or to provide a service to the person concerned.

The AGENCY or the BROKER may be required to communicate personal information to third parties, including suppliers, co-contractors, sub-contractors, mandataries, insurers (such as the Fonds d'assurance responsabilité professionnelle du courtage immobilier du Québec [FARCIQ]), professionals, other regulators, or parties outside Québec.

The AGENCY or the BROKER may, without the consent of the person concerned, communicate personal information to a third party if such communication is necessary to carry out a mandate or to perform a contract for services or of enterprise. In such a case, the AGENCY or the BROKER draws up a written mandate or contract and specifies the measures that the mandatary must take to ensure that the personal information communicated is protected, so that it is used solely to carry out the mandate or perform the contract, and is destroyed after completion of same. The co-contractor must also undertake to cooperate with the AGENCY or the BROKER in the event of a breach of confidentiality of the personal information.

Before communicating personal information outside Québec, the AGENCY or the BROKER must take into account the sensitivity of the information, the purpose for which it is to be used, and the protection measures that will be in place outside Québec. The AGENCY or the BROKER will communicate personal information outside Québec only if an analysis shows that the information will be adequately protected in the place where it is to be communicated.

Retention and destruction of personal information

Once the purposes for which the personal information was collected or used have been fulfilled, the AGENCY or the BROKER must destroy the information, subject to a retention period stipulated under the Act. As stipulated in their professional obligations, the AGENCY or the BROKER must retain records for at least six (6) years following the final closing of a file.

Security measures

When collecting, using, retaining, and destroying personal information, the AGENCY or the BROKER applies the necessary security measures to protect the confidentiality of the information. More specifically, the following measures apply:

A licensee is required to collect personal information in many situations, such as:

- during the interview with the client, by taking handwritten or computerized notes

  He must always ensure that no other person can hear his communications with his client when collecting personal information. It is not recommended that personal information be collected in the following situations:

- during a “hands-free” conversation in the car while another person is present
- in a public place (e.g., in a restaurant) where conversations can be overheard by others. It is particularly inadvisable to negotiate in a public place in order, for example, to complete an offer to purchase.

Principles to be respected
Licensees shall adhere to the following principles when collecting personal information.

- **Determining in advance the purposes for which personal information is collected.** A serious and legitimate interest is required to collect personal information about an individual. Collecting necessary information to enter into a brokerage contract, to present an offer to purchase or to verify identity is, of course, a serious and legitimate interest.
- Only personal information **necessary for collection purposes, as determined to be essential and not merely useful,** may be collected. If in doubt, the licensee shall refrain from collecting information. For example, information about a person's income seems to be useful, but it is not essential for the completion of a real estate transaction.
- While we understand that certain personal information, such as gender, may not always be relevant to the real estate services we provide, it's important to note that knowing the client’s marital status is required by specific legal regulations related to real estate such as the specific rules surrounding the sale of an immoveable property. Our primary concern is ensuring compliance with these regulations while respecting your privacy.

  If the licensee collects personal information for commercial prospection purposes, only the information necessary for this purpose, such as name and telephone number, may be collected to contact potential clients and offer them services.

  The need to collect information may also arise from regulations, such as the obligation for the broker to verify the identity of the parties to a transaction, their legal capacity and profession. Where applicable, it is necessary for the broker to collect and record on the brokerage form, for

example, identity information, such as the number of the ID document presented, its expiry date and the country of issue.

The refusal of the person concerned to provide information required for the performance of the transaction could lead the licensee to refuse to provide services. Under no circumstances shall he violate his ethical obligations in this regard. The licensee plays the role of a watchdog, especially in preventing money laundering, and must ensure that the identity of the parties to the transaction and their legal capacity are rigorously verified.

- Collecting personal information by **lawful (legal) means.**

Security measures when using information

The licensee must take reasonable security measures to ensure the protection of the personal information he holds. These measures shall take into account, among other things, the sensitivity of the information, the purposes for which it is to be used, the quantity and distribution of the information, and the medium on which it is stored.

As part of the security measures, physical and computer (EDM system) access to information should be restricted to only those individuals who need access to the information to perform their duties.

When a brokerage contract is concluded between a seller and an agency represented by a broker, the broker has automatic access to the seller's personal information. In addition to the broker, the agency executive officer may also have access for compliance verification purposes, as well as support staff (ideally one person) to perform administrative tasks.

The other agency brokers who are not involved in the case must not have access to this personal information. However, if the seller is represented under a brokerage contract by a team of agency brokers, the team members will have access to personal information to be able to fulfill their representation obligations toward their client.

Licensees must ensure that the medium chosen to hold and use personal information is stable, secure and maintains confidentiality at all times.

<u>Confidentiality incident</u>

A confidentiality incident is any access, use or communication of personal information that is not authorized under the Act, or the loss of personal information or any other breach of protection of personal information.

The AGENCY or the BROKER has implemented a confidentiality incident management protocol that identifies the persons who assist the Person in charge of the protection of personal information and sets out the concrete actions to be taken in the event of an incident. This protocol specifies, among other things, the responsibilities expected at each stage of incident management, including the measures to be taken to ensure the security of the data.

Roles and responsibilities

1. The AGENCY or the BROKER

The AGENCY or the BROKER: Groupe Sutton Centre-Ouest and its brokers use the NexOne Office Document Management which is a secured system.

▪ It ensures the confidentiality of the information through this information management practices. In particular, it/he provides guidelines, training, and instructions to staff members regarding the authorized collection, use, storage, modification, consultation, communication, and destruction of personal information.

▪ Implements appropriate protection measures to reduce the risk of confidentiality incidents, such as computer security, updating of policies relating to personal information, staff training, etc.

▪ Has standardized methods for the filing of documents containing personal information.

▪ Has standardized methods for the retention of documents containing personal information, including digitization procedures.

▪ Manages physical and computer access to personal information, based among other things on its sensitivity.

▪ Ensures the secure destruction of personal information. More specifically, it/he provides guidelines or instructions to staff members concerning secure destruction methods, timeframes for destruction, etc.

2. Person in charge of the protection of personal information

In accordance with the Act, the AGENCY or the BROKER has appointed a Person in charge of the protection of personal information.

This person is responsible, among other things, for ensuring that the policies are enforced and that they comply with applicable regulations. The name and contact details of this person can be found in the section “Right of access, withdrawal and rectification.”

The Person in charge of the protection of personal information is responsible for managing confidentiality incidents and, in this context, takes action as provided for under the Act.

The Person in charge of the protection of personal information handles requests for access and rectification of personal information. This person also handles complaints concerning the handling of personal information by the AGENCY or the BROKER.

The Person in charge of the protection of personal information is consulted in the event of a privacy impact assessment for any project involving the acquisition, development, or redesign of an information system or the electronic delivery of services involving the collection, use, disclosure, retention or destruction of personal information. This person may suggest measures to ensure the protection of personal information in the context of such a project.

3. Staff members

Staff members of the AGENCY or the BROKER may access personal information only to the extent necessary for the performance of their duties or mandates.

The staff members of the AGENCY OR BROKER are responsible to:

▪ Ensures the integrity and confidentiality of all personal information held by the AGENCY or the BROKER.

▪ Complies with all policies and guidelines of the AGENCY or the BROKER regarding access, collection, use, communication, and destruction of personal information as well as information security, and complies with all instructions received.

▪ Respects the security measures implemented on his workstation and on any equipment containing personal information.

▪ Uses only such equipment and software as are authorized by the AGENCY or the BROKER.

▪ Ensures, when appropriate, the secure destruction of personal information in accordance with the instructions received. Immediately reports to his superior any act of which he is aware may constitute an actual or suspected breach of security rules relating to personal information.

Right of access, withdrawal, and rectification

A person (or his/her authorized representative) may request access to his/her personal information held by the AGENCY or the BROKER. A person may withdraw consent to the collection, use, and communication of personal information. Such withdrawal is recorded in writing.

A person may request the correction of personal information in a file concerning him/her that he/she believes to be inaccurate, incomplete, or unclear.

The AGENCY or the BROKER may refuse a request for access or rectification in the cases provided for under the Act.

Complaints

A person who deems to have been wronged may file a complaint regarding the handling of his/her personal information by the AGENCY or the BROKER. The complaint will be processed promptly within a maximum of 5 days by the Person in charge of the protection of personal information and will receive a written response.

1. **Receipt of Complaint:** Upon receipt of the complaint, an acknowledgment of receipt will be sent to the complainant within 48 hours.

2. **Registration of the Complaint:** The complaint is registered in a dedicated tracking system to ensure efficient and transparent follow-up.

3. **Initial Assessment:** The Privacy Officer will assess the complaint to determine its validity and urgency.

4. **Investigation:** A full investigation will be carried out to understand the circumstances surrounding the complaint. This may include interviews with relevant personnel and a review of systems and activity logs.

5. **Documentation:** All evidence and findings will be fully documented.

6. **Decision and Corrective Action:** Based on the findings, corrective actions will be taken if necessary, and a decision will be made regarding the complaint.

7. **Notification to Complainant:** A written response detailing the findings of the investigation and actions taken will be sent to the complainant within 10 working days.

8. **Remedies:** If the Complainant is not satisfied with the response, he/she will be informed of the remedies available, including the possibility of taking the complaint to the appropriate authorities.

9. **Internal review:** A review of processes will be carried out to identify lessons learned and make future improvements.

10. **Archiving:** The complaint and all associated actions will be securely archived for future audit purposes.

To request access to or rectification of your personal information or to file a complaint regarding the handling of personal information, please contact:

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