



Privacy Policy

Policy Number:	A002
Policy Owners:	General Counsel and Corporate Secretary
Policy Approver:	Board of Directors
Approval Date:	November 11, 2013

Rocky Mountain Dealerships Inc. ("**Rocky**", "our", "we", "us", etc.) is the owner of the Rocky Mountain Dealer Group Partnership, which focuses on the sales and service of farm, construction, and other equipment. One of western Canada's most respected businesses, Rocky, through its subsidiaries, represents various products under contractual relationships with manufacturers including Case Construction, Case IH, New Holland, Kubota, Terex, and many others.

Rocky is committed to maintaining the privacy of individuals and protecting personal information in its custody or control in accordance with privacy legislation applicable to Rocky.

This Privacy Policy ("**Policy**") describes and summarizes the practices of Rocky and its subsidiaries and affiliates with respect to our collection, use and/or disclosure of personal information. References to Rocky in this Policy therefore include Rocky's subsidiaries and affiliates unless otherwise stated.

Among other things, this Policy describes our obligations and practices under the *Personal Information Protection Act* (Alberta) ("PIPA") and the *Personal Information Protection and Electronic Documents Act* (Canada) ("PIPEDA"), as applicable. Personal information we collect, use and disclose is generally processed in Alberta, so in most, if not all cases, PIPA will be the applicable legislation.

This Policy applies only to individuals and does not apply to information about corporations or other legal entities other than individuals. While Rocky respects its obligations of confidence to legal entities other than individuals, only individuals have rights of privacy.

Definitions

In this Policy, the following terms have the following meanings:

- **Business contact information** means an individual's name and position or title as an official or employee of an organization, as well as their business telephone number, business address, business e-mail, business fax number and other business contact information.
- **Collection of personal information** means obtaining personal information from any source, including the individual themselves and any third party.
- **Disclosure of personal information** means allowing or providing access to all or part of the information. Disclosure will generally be external to Rocky.
- **Employee** means any individual who provides a service to Rocky, and includes full-time and part-time employees, temporary employees, volunteers, students, and those in a contract or agency relationship with us.

- **Personal information** means information about an identifiable individual, which does not include information of an aggregate or anonymous nature where a specific individual or individuals cannot be identified. Personal information also does not include **business contact information**, as long as business contact information is used to contact an individual in their capacity as an employee or official of an organization, and for no other purpose.
- **Personal employee information** refers to personal information about an individual employee, or a prospective employee, that is collected, used or disclosed by Rocky, and that is reasonably required by us for the purposes of establishing, managing or terminating an employment or volunteer relationship, but does not include personal information about an employee that is not related to the employment or independent contractor relationship. Personal employee information is therefore a sub-set of personal information about an employee.
- **Use of personal information** means processing or utilizing such information in any manner, including but not limited to using such information to contact the individual. Use includes accessing the information, retaining the information, and how long the information is retained. Use will generally be internal to Rocky.

Privacy and our website

We do not collect any personal information from you when you simply visit our website at <http://www.rockymtn.com/>. However, you should be aware that most web servers do collect some information about visitors, such as the browser and version you are using, your operating system, and your "IP" or internet address, which may identify your Internet Service Provider or computer but not the person using it.

If you do proceed to provide us with personal information, such anonymous information may no longer be anonymous, and it may then become personal information subject to this Policy.

If you voluntarily submit personal information to us by email or other online means for purposes of obtaining information or other interaction or communication with us, we will consider that you have done so with your consent for purposes reasonably related to your providing the information. If reasonable to do so, after our initial response, we may send further information to you with information that may be useful, but we will include instructions on how to terminate receiving such further information.

Please be advised that the Internet and email are inherently insecure media, and we cannot take responsibility for the security or privacy of personal information in transit over the Internet.

Please note that our website may contain links to other websites which are provided as a convenience for visitors to our website only. Any third party websites will have their own privacy policies and practices, and we cannot be responsible for such third parties or their websites.

Sources and subjects of personal information

Rocky generally collects, uses and discloses personal information about the following types of individuals:

- Employees and independent contractors (where such contractors are individuals) of Rocky for the purposes of establishing, managing and terminating employment and contractor relationships.
- Shareholders and investors in Rocky, both current and prospective or potential;
- Customers and clients of Rocky, both current and prospective or potential;
- Directors and officers of Rocky, both current and prospective or potential;
- Suppliers to Rocky, both current and prospective or potential, where such suppliers are individuals; and
- Other individuals who may voluntarily choose to provide Rocky with personal information.

Except in the case of employees, Rocky does not knowingly collect, use or disclose personal information about individuals under the age of eighteen years. Rocky may enter into employment relationships with students or other employees under the age of eighteen.

Where practical, we try to collect personal information directly from the person to whom the information pertains. Where necessary, we collect personal information from other sources.

When collecting personal employee information from other sources, or when using or disclosing the personal information we have collected, we will, where legally required, first obtain the consent of the individual.

Notification and consent

Subject to this Policy and applicable legislation, we will identify the purposes for collection, use and disclosure in advance of collection, and will notify the individual of the purposes for collection, use or disclosure at or before the time of collection. It is the policy of Rocky to obtain consent of individuals at or before the time their personal information is collected, unless applicable law provides otherwise.

It is the general policy of Rocky to not use or disclose personal information in its custody or control except with the consent of the individual and then only for identified purposes. However, individuals should be aware that there are exceptions to consent as described in this Policy.

In certain circumstances, specifically those set out in applicable legislation, the law does not require that Rocky obtain consent or provide notification. Rocky reserves all its rights to rely on any available statutory exemptions and exceptions.

Exceptions to the requirement for consent

Rocky may collect, use or disclose personal information without consent in circumstances that include but are not limited to the following:

- Where a reasonable person would consider that the collection, use or disclosure of the information is clearly in the interests of the individual and consent of the individual cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;
- Where the collection, use or disclosure of the information is pursuant to a statute or regulation of either Alberta or Canada that authorizes or requires the collection, use or disclosure;
- Where the collection of the information is from a public body and that public body is authorized or required by an enactment of Alberta or Canada to disclose the personal information to Rocky, and, with respect to use or disclosure by us, we are then authorized or required to use or disclose the personal information;
- Where the collection, use or disclosure of the information is reasonable for the purposes of an investigation or a legal proceeding;
- Where the information is publicly available;
- Where the collection, use or disclosure of the information is necessary in order to collect a debt owed to Rocky or for Rocky to repay to an individual money owed by Rocky;
- With employees, there are certain circumstances related to personal employee information where consent is not necessary but notification may be required. See the section entitled "Employees" below.
- In certain circumstances, where the information may be disclosed without consent, it may also be used without consent.

Rocky will in all cases collect, use and disclose personal information as required by applicable law, which includes, but is not limited to, the laws related to shareholders in corporations, and directors and officers of corporations. It is also the policy of Rocky to cooperate to the full extent permitted or required by law with law enforcement and governmental agencies requesting disclosure of personal information in the custody or control of Rocky.

In addition to the above, the law generally provides that an individual is deemed to consent to the collection, use or disclosure of personal information about that individual for a particular purpose if the individual voluntarily provides the information for that purpose, and it is reasonable that a person would voluntarily provide that information. If you provide personal information to us voluntarily, we will rely on deemed consent and consider that you consent to our collection, use or disclosure of your personal information as necessary to carry out the purposes for which you provided the information.

Where a new purpose for the use or disclosure of personal information previously collected arises, Rocky will contact the individual in question to obtain any required consent or to provide any required notification for use and/or disclosure for such new purpose or purposes.

Where practical, Rocky will try to collect personal information directly from you. Where necessary, Rocky will collect personal information from other sources. When Rocky collects personal information about individuals directly from them, except when their consent to the collection is deemed or has otherwise been previously and lawfully obtained, or is not legally required, we will tell them the purpose for which the information is collected, and the name of a person who can answer questions about the collection.

Employees

Personal employee information:

The law generally provides that Rocky can collect, use, and disclose an individual's personal employee information without consent if the individual is an employee of Rocky or if it is for the purpose of recruiting a potential employee, but only if:

- the collection, use, or disclosure is reasonable for the purposes for which it is being collected, used, or disclosed;
- the information is related to the employment relationship with us; and
- we have, with current employees, provided notification to them before collecting, using or disclosing the information that we are doing so and our purposes for doing so.

Information about employees other than personal employee information:

There may be personal information about a Rocky employee that is not personal employee information, in which case consent may be required. Therefore, in cases where personal information about an employee may be in addition to what Rocky reasonably believes to be personal employee information, it is our policy to obtain consent from the employee in situations where we have any doubt as to whether or not consent is required. The provisions of this Policy related to consent would apply where consent from an employee is required.

References to other employers:

Although the law may allow us to do so without consent or notice, it is generally the policy of Rocky to require consent before discussing personal employee information with prospective employers or others where the employee has used us as a reference.

Notification to employees:

It is the policy of Rocky to provide reasonable notification to our employees of the activities of Rocky with respect to the collection, use or disclosure of personal employee information and of the purposes for such collection, use or disclosure. In the event a new purpose for the use or disclosure of previously collected personal employee information arises or is identified, and those purposes are not the subject of a prior notification, we generally provide notification of such use or disclosure before commencing the new use or disclosure.

Purposes generally for collection, use and disclosure of personal employee information:

Following is a summary of personal employee information generally gathered and the purposes for doing so. This list is not exhaustive and other purposes may be identified and subject to specific notifications.

- *Name and business contact information:* collected, used and disclosed for business contact purposes;
- *Home address:* required to provide T-4 slips and other information both during and following employment, also required for payment by providers of benefits and insurance, used to send company related material while on leave or after employment ends, and used for emergency contact purposes;
- *Home telephone:* used for emergency contact purposes;
- *Emergency contact information:* includes home address and phone number, cell phone number, emergency contact person, used only in the event of an emergency to contact you or your family;

- *Provincial Health Care number*: used for purposes of providing benefits, disclosed to provincial Health Care authorities to calculate premiums and make payments;
- *Social Insurance Number*: required information by Canada Revenue Agency for all statutory remittances and correspondence related to T4 Information, termination notices, etc.
- *Date of birth*: disclosed to Canada Revenue Agency as required and as some deductions are dependent on age, disclosed to insurance carriers to provide benefits, disclosed to financial institutions with respect to pension and RRSP plans;
- *Marital status and dependents*: required for providers of benefits and disclosed to them;
- *Employment commencement date*: used for internal managerial purposes, may be disclosed to providers of benefits if required;
- *Banking account information*: used to pay employee salary, remuneration and any allowable expenses;
- *Gender*: required for providers of benefits and disclosed to them;
- *Internal forms*: various forms and records with management purposes, forms signed by you or by supervisors or evaluators, performance and other appraisals; bonus or disciplinary action forms and documents, identification numbers, incident reports, and related documentation of an internal nature;
- *Workers Compensation forms and documents*: used for the purposes of the Workers Compensation Board;
- *Income*: used internally in setting future income levels; may be disclosed to insurance providers as necessary (disability/income replacement insurance), provided to Canada Revenue Agency as required by law;
- *Resume*: these are retained on file while you are employed with us and for three years after, used to determine past work experience which is a factor in setting income levels.
- *Drivers' license abstracts*: collected, used and disclosed for purposes of evaluating the ability of employees to operate company vehicles and to obtain insurance.

Why and how we collect, use and disclose personal information

Rocky generally collects, uses and discloses personal information for the following purposes:

- **Employees:** To establish, maintain, manage and terminate an employment or contractor relationship.
- **Shareholders and investors:** Rocky is required by applicable laws and regulatory authorities to collect, use and disclose certain information with respect to its shareholders. Rocky also collects, uses and discloses personal information about its investors and shareholders to establish, maintain and termination relationships with them, and to communicate with and interact with its investors and shareholders.
- **Directors:** Rocky is required by applicable laws and regulatory authorities to collect, use and disclose certain information with respect to its directors. Rocky also collects, uses and discloses personal information about its directors and officers in order to manage its business and establish, maintain and terminate its relationships with those individuals.
- **Customers and clients:** Rocky collects, uses and discloses personal information about its individual customers and clients for reasonable purposes in order to establish relationships, manage relationships, and manage the end or termination of relationships with customers and clients.

The types of personal information, and other information, that Rocky may collect, use or disclose with customers or clients may include:

- name, home address and phone number, age, sex, marital or family status, an identifying number, financial information, e-mail address, your forwarding address, previous address(es), payment information (for billing purposes), delivery instructions, and individual customer service preferences;
- farm size, business operations, corporate structure, current equipment and future equipment purchase intentions, personal interests, other occupations, and family members involved in your operations; and
- from time to time, we may acquire demographic and other information about you and your operations and may have to engage in a credit report to determine credit worthiness.

The purposes for which we may collect, use or disclose personal information about customers or clients include providing or delivering equipment, services or information, processing payments or credits, sending information that we believe may be of interest, detecting and preventing errors or illegal or unlawful activities, conducting surveys and learning more about our customers and clients in order to better serve them, engaging in business transactions and financings, providing financial and other information to lenders on behalf of customers or clients, and other similar purposes and activities.

- Other individuals: Personal information from other individuals may be collected when such individuals contact Rocky for a variety of reasons personal to them. For example, if you contact us with an inquiry, we will use the information you provide to assist us in responding to you and communicating with you.

Retention and destruction of personal information

Alberta law allows us, for legal or business purposes, to retain personal information for as long as is reasonable. Upon expiry of an appropriate retention period, bearing in mind reasonable legal and business requirements, personal information will either be destroyed in a secure manner or made anonymous.

Should consent, where consent is required, to our collection, use, disclosure or retention of personal information be revoked by the individual in question, the law also allows us to continue to retain the information for as long as is reasonable for legal or business purposes. In the event that revocation of consent may have consequences to the individual concerned, we will advise the individual of the consequences of revoking their consent where it is reasonable in the circumstances to do so.

Accuracy and Completeness

When we collect, use or disclose personal employee information, we will make reasonable efforts to ensure that it is accurate, up to date, and complete. This may involve requesting further information or updates from the individual in question. Employees are expected to advise us of changes to their personal information so that our records may remain current.

Outsourcing and data hosting

Rocky may use third party service providers to process or deal with records, documents, data and information on behalf of Rocky, and such records, documents, data and information may include personal information. In order to protect the confidentiality and security of personal information processed on behalf of Rocky by its service providers, Rocky will use contractual and similar measures with such service providers, including contractual non-disclosure provisions.

Rocky may use "cloud computing" or other third party information technology service providers, and those providers may be either in or outside Canada, and the data housed, hosted and processed by such providers may reside in or outside of Canada, and may include personal information about individuals.

Where consent or notification is legally required, it is our policy to notify individuals about such service providers outside of Canada, and such notification will include the way in which the individual may obtain access to written information about our policies and practices with respect to service providers outside of Canada and the name or title of a person who can answer any questions about the collection, use, disclosure or storage of personal information by any service providers outside Canada.

Security

We recognize our legal obligations to protect the personal information we have gathered about individuals. We have therefore made arrangements to secure against unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction of personal information. These arrangements may include physical security measures, network security measures, and organizational measures such as non-disclosure agreements and need-to-know access.

Notification of loss or unauthorized access or disclosure

Where an incident occurs involving the loss of or unauthorized access to or disclosure of personal information under our control, where a reasonable person would consider that there exists a real risk of significant harm to an individual as a result of the loss or unauthorized access or disclosure, we will, without unreasonable delay, provide notice to the Information and Privacy Commissioner for Alberta of the incident, including any information required by law at the time to be provided to the Commissioner. While Alberta law provides that the Commissioner has the authority to require us to notify individuals of the unauthorized access or disclosure, we may elect to immediately do so in the event we consider it reasonable in the circumstances.

Requests for access to personal information

Alberta law permits individuals to submit written requests to us to provide them with:

- access to their personal information under the custody or control of Rocky;
- information about the purposes for which their personal information under the custody or control of Rocky has been and is being used; and
- the names of organizations or persons to whom and the circumstances in which personal information has been and is being disclosed by Rocky.

Requests for access are subject to the following:

- Any requests must be in writing.
- We do not accept such requests or respond to such requests via email.

- In order to receive a response to such a request, the individual must provide us with sufficient information to locate their record, if any, and to respond to them.
- We will respond to requests in the time allowed by Alberta law, which is generally 45 days.
- We will make a reasonable effort to assist applicants and to respond as accurately and completely as reasonably possible.
- All requests may be subject to any fees and disbursements the law permits us to charge.
- Where appropriate to do so, we may require advance payment of a deposit or the entire costs of responding to a request for access to personal information.

Please note that an individual's ability to access his or her personal information under our control is not an absolute right. Alberta law provides that Rocky *must not* disclose personal information where:

- the disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request;
- the disclosure would reveal personal information about another individual; or
- the disclosure would reveal the identity of an individual who has in confidence provided us with an opinion about another individual and the individual providing the opinion does not consent to the disclosure of his or her identity.

Alberta law also provides that Rocky *may choose not to* disclose personal information where:

- the personal information is protected by any legal privilege;
- the disclosure of the information would reveal confidential commercial information and it is not unreasonable to withhold that information;
- the personal information was collected by Rocky for an investigation or legal proceeding;
- the disclosure of the personal information might result in similar information no longer being provided to us when it is reasonable that it would be provided;
- the personal information was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act

- under an agreement,
- under an enactment, or
- by a court; or
- the personal information relates to or may be used in the exercise of prosecutorial discretion.

Responses to requests

Our responses to requests for access to personal information will be in writing, and will confirm:

- whether we are providing all or part of the requested information,
- whether or not we are allowing access or providing copies, and,
- if access is being provided, when and how that will be given.

If access to information or copies are refused by us, we will provide written reasons for such refusal and the section of PIPA (the *Personal Information Protection Act, Alberta*) on which that refusal is based. We will also provide the name of an individual at Rocky who can answer questions about the refusal, and particulars of how the requesting individual can ask the Information and Privacy Commissioner of Alberta to review our decision. In order to receive a response to such a request, the individual must provide us with sufficient information to locate their record, if any, and to respond to them.

Requests for correction

Alberta law permits individuals to submit written requests to us to correct errors or omissions in their personal information that is in our custody or control. If an individual alleges errors or omissions in the personal information in our custody or control, we will either:

- correct the personal information and, if reasonable to do so, and if not contrary to law, send correction notifications to any other organizations to whom we disclosed the incorrect information; or
- decide not to correct the personal information but annotate the personal information that a correction was requested but not made.

Corrections or amendments will not be made to opinions.

Amendment of this Policy

Rocky may amend this Policy from time to time as required and without notice, in order to better meet our obligations under the law.

Contacting or communicating with us

If you have any questions with respect to our policies concerning the collection, use, disclosure or handling of your personal information, or if you wish to request access to, or correction of, your personal information under our care and control, or if you are dissatisfied with how we handle your personal information, please contact our Privacy Officer at:

Garrett Ganden, President and Chief Executive Officer
Rocky Mountain Dealerships Inc.
#301, 3345 8th Street S.E.
Calgary, Alberta
T2G 3A4
Phone: (403) 265-7364
Fax: (403) 214-5644
Email: privacy@rockymtn.com

If you remain dissatisfied after our Privacy Officer has reviewed and responded to your concern, or have other concerns or questions, you have the right at any time to contact the Office of the Information and Privacy Commissioner at:

410, 9925 - 109 Street
Edmonton, AB T5K 2J8
Telephone (780) 422-6860 or Fax (780) 422-5682