



NISHNAWBE ASKI DEVELOPMENT FUND

PRIVACY POLICY

Nishnawbe Aski Development Fund ("NADF") is a federally and provincially supported not-for-profit community organization with a volunteer board of directors and professional staff whose purpose is to develop and diversify local economies. Nishnawbe Aski Development Fund supports community economic development and small business growth by developing and implementing strategic community plans, delivering a range of counselling and information services to small business and operating locally controlled investment funds to provide financing to new and existing businesses.

This privacy policy has been developed to comply with Canada's Personal Information Protection and Electronic Documents Act ("PIPEDA"). PIPEDA sets out rules for the collection, use and disclosure of personal information in the course of commercial activity as defined in the Act.

1. The Ten Principles of PIPEDA Summarized

The ten principles of PIPEDA that form the basis of this Privacy Policy are as follows:

1. **Accountability:** organizations are accountable for the personal information they collect, use, retain and disclose in the course of their commercial activities, including, but not limited to, the appointment of a *Chief Privacy Officer*;
2. **Identifying Purposes:** organizations are to explain the purposes for which the information is being used at the time of collection and can only be used for those purposes;
3. **Consent:** organizations must obtain an Individual's express or implied consent when they collect, use, or disclose the individual's personal information;
4. **Limiting Collection:** the collection of personal information must be limited to only the amount and type that is reasonably necessary for the identified purposes;
5. **Limiting Use, Disclosure and Retention:** personal information must be used for only the identified purposes, and must not be disclosed to third parties unless the Individual consents to the alternative use or disclosure;
6. **Accuracy:** organizations are required to keep personal information in active files accurate and up-to-date;
7. **Safeguards:** organizations are to use physical, organizational, and technological safeguards to protect personal information from unauthorized access or disclosure.
8. **Openness:** organizations must inform their clients and train their employees about their privacy policies and procedures;
9. **Individual Access:** an individual has a right to access personal information held by an organization and to challenge its accuracy if need be; and
10. **Provide Recourse:** organizations are to inform clients and employees of how to bring a request for access, or complaint, to the Chief Privacy Officer, and respond promptly to a request or complaint by the individual.

This Privacy Policy applies to Nishnawbe Aski Development Fund's Board of Directors, members, employees and contracted employees. As well, Nishnawbe Aski Development Fund ensures that all third-party service providers sign confidentiality agreements prior to any transfer of an individual's personal information in the course of providing the business loans, business development advice, and other related information and/or services.

2. Definitions

"Personal information" means any information about an identifiable individual. It includes, without limitation, information relating to identity, nationality, age, gender, address, telephone number, e-mail address, Social

Insurance Number, date of birth, marital status, education, employment health history, assets, liabilities, payment records, credit records, loan records, income and information relating to financial transactions as well as certain personal opinions or views of an Individual.

"Business information" means business name, business address, business telephone number, name(s) of owner(s), officer(s) and director(s), job titles, business registration numbers (GST, RST, source deductions), financial status. Although business information is not subject to PIPEDA, confidentiality of business information will be treated with the same security measures by Nishnawbe Aski Development Fund staff, members and Board members, as is required for individual personal information under PIPEDA.

"Client" means the business that is applying for or has been approved for a loan, (including sole proprietorships and individuals carrying on business in a partnership);

"Individual" means the client's owner(s) or shareholders, co-signors, and/or any guarantor associated with a client.

"Member" means a person who volunteers on a Nishnawbe Aski Development Fund committee, but who is not a current or active board member, or chair of the committee.

"Statement of Intent" means the application form or related forms completed by the individual(s) to request financing for the client through the Investment Fund of Nishnawbe Aski Development Fund.

"Data base" means the list of names, addresses and telephone numbers of clients and individuals held by Nishnawbe Aski Development Fund in the forms of, but not limited to, computer files, paper files, and files on computer hard-drives.

"File" means the information collected in the course of processing an Statement of Intent, as well as information collected/updated to maintain /service the account.

"Express consent" means the individual signs the Statement of Intent, or other forms containing personal information, authorizing Nishnawbe Aski Development Fund to collect, use, and disclose the individual's personal information for the purposes set out in the Statement of Intent and/or forms.

"Implied Consent" means the organization may assume that the individual consents to the information being used, retained and disclosed for the original purposes, unless notified by the individual.

"Third Party" means a person or company that provides services to Nishnawbe Aski Development Fund in support of the programs, benefits, and other services offered by Nishnawbe Aski Development Fund, such as other lenders, credit bureaus, persons with whom the individual or client does business, but does not include any Government office or department to whom Nishnawbe Aski Development Fund reports in the delivery of such programs, benefits or services.

3. Purposes of Collecting Personal Information

Personal information is collected in order to assess the eligibility of the individual completing a Statement of Intent for financial assistance, as well as to report to federal and provincial government departments. The individual is the main source of information, but Nishnawbe Aski Development Fund will also ask to obtain information directly from a third source where the individual does not have the required information.

Only that information which is required to make a determination of an individual's eligibility will be collected. Although the individual's Social Insurance Number may be requested in the Statement of Intent for confirming identification of the individual to the credit-reporting agency, provision of this personal information is optional. The individual may provide alternative forms of identification, such as date of birth and driver's license number.

4. Consent

An individual's express, written consent will be obtained before or at the time of collecting personal information. The purposes for the collection, use or disclosure of the personal information will be provided to the individual at the time of seeking his or her consent. Once consent is obtained from the individual to use his or her information for those purposes, Nishnawbe Aski Development Fund has the individual's implied consent to collect or receive any supplementary information that is necessary to fulfil the same purposes. Express consent will also be obtained if, or when, a new use is identified.

By signing the Statement of Intent and/or other forms, implied consent is granted by the individual to obtain and/or to verify information from third parties such as banks, credit bureaus, other lenders, and insurance companies in the process of assessing the eligibility of an individual or client. Implied consent is also granted by the individual to permit Nishnawbe Aski Development Fund to report or otherwise disclose information to federal and provincial departments responsible for programs administered by Nishnawbe Aski Development Fund.

An individual can choose not to provide some or all of the personal information at any time, but if Nishnawbe Aski Development Fund is unable to collect sufficient information to validate the request for financing, the individual's Statement of Intent for such financing may be turned down.

A client or an individual can withdraw consent to Nishnawbe Aski Development Fund's use of personal information at any time prior to the application for funding being approved, by making such request in writing. Once a loan has been approved, an individual cannot withdraw consent authorizing Nishnawbe Aski Development Fund to use and disclose the personal information for the purposes set out in this Privacy Policy. Express consent will be obtained from the individual prior to disclosing the individual's personal information to other lenders, credit insurers and credit bureaus.

This Privacy Policy does not cover statistical data from which the identity of individuals cannot be determined. Nishnawbe Aski Development Fund retains the right to use and disclose statistical data as it determines appropriate.

5. Limiting Collection

Personal information collected will be limited to the purposes set out in this Privacy Policy, Nishnawbe Aski Development Fund Statement of Intent, and/or other forms.

6. Limiting Use, Disclosure and Retention

6.1. Use of Personal Information

Personal information will be used for only those purposes to which the individual has consented with the following exceptions, as permitted under PIPEDA:

Nishnawbe Aski Development Fund will use personal information without the individual's consent, where:

- a. The organization has reasonable grounds to believe the information could be useful when investigating a contravention of a federal, provincial or foreign law and the information is used for that investigation;
- b. An emergency exists that threatens an individual's life, health or security;
- c. The information is for statistical study or research;
- d. The information is publicly available;
- e. The use is clearly in the individual's interest, and consent is not available in a timely way;
- f. Knowledge and consent would compromise the availability or accuracy of the information; and,
- g. Collection is required to investigate a breach of an agreement.

7. Disclosure and Transfer of Personal Information

Personal information will be disclosed to only those Nishnawbe Aski Development Fund employees, members of Nishnawbe Aski Development Fund committees, and the Board of Directors that need to know the information for the purposes of their work or making an assessment as to the individual's eligibility to the loan program. Personal information will be disclosed to third parties with the individual's knowledge and consent.

PIPEDA permits Nishnawbe Aski Development Fund to disclose personal information to third parties, without an individual's knowledge and consent:

- a. To a lawyer representing Nishnawbe Aski Development Fund;
- b. To collect a debt owed to Nishnawbe Aski Development Fund by the individual or client;
- c. To comply with a subpoena, a warrant or an order made by a court or other body with appropriate jurisdiction;
- d. To a law enforcement agency in the process of a civil or criminal investigation;
- e. To a government agency or department requesting the information; or,
- f. as required by law.

PIPEDA permits Nishnawbe Aski Development Fund to transfer personal information to a third party, without the individual's knowledge or consent, if the transfer is simply for processing purposes and the third party only uses the information for the purposes for which it was transferred. Nishnawbe Aski Development Fund will ensure, by contractual or other means, that the third party protects the information and uses it only for the purposes for which it was transferred.

8. Retention of Personal Information

Personal information will be retained in client files as long as the file is active and for such periods of time as may be prescribed by applicable laws and regulations.

A file will be deemed inactive if the Investment Committee rejects an application for funding, when a loan is repaid in full and securities are discharged, or when a guarantee is terminated. Information contained in an inactive file will be retained for a period of seven (7) years, except in the case where an application for funding is rejected. Where an application for funding has been rejected, the file and all personal information contained in the file will be retained for a period of two (2) years.

9. Accuracy

Nishnawbe Aski Development Fund endeavours to ensure that any personal information provided by the individual in his or her active file(s) is accurate, current and complete as is necessary to fulfill the purposes for which the information has been collected, used, retained and disclosed. Individuals are requested to notify Nishnawbe Aski Development Fund of any change in personal or business information.

Information contained in inactive files is not updated.

10. Safeguards

Nishnawbe Aski Development Fund will use physical, organizational, and technological measures to safeguard personal information to only those Nishnawbe Aski Development Fund employees, volunteers, or third parties who need to know this information for the purposes set out in this Privacy Policy.

Organizational Safeguards: Access to personal information will be limited to the employees and members of the Board who have to make a determination as to the individual's eligibility for a business loan. Personal information provided to members of Nishnawbe Aski Development Fund committee(s) will be limited to only that information

required to carry out the mandate of that committee. Members of the Nishnawbe Aski Development Fund committee(s) and/or Board of Directors are not permitted to copy or retain any personal information on individuals or clients and must return for destruction all such information given to them to review once the purpose for being provided with this information has been fulfilled.

Employees and members of Nishnawbe Aski Development Fund committee(s) and/or Board of Directors are required to sign a confidentiality agreement binding them to maintaining the confidentiality of all personal information to which they have access.

Physical Safeguards: Active files are stored in locked filing cabinets and/or offices when unattended by NADF employees and/or authorized volunteers.

All inactive files or personal information no longer required are shredded prior to disposal to prevent inadvertent disclosure to unauthorized persons.

Technological Safeguards: Personal information contained in Nishnawbe Aski Development Fund computers and electronic databases are password protected in accordance with Nishnawbe Aski Development Fund's Technology Use and Privacy, and Email Policies. Access to any of the Nishnawbe Aski Development Fund's computers also is password protected. Nishnawbe Aski Development Fund's Internet router or server has firewall protection sufficient to protect personal and confidential business information against virus attacks and "sniffer" software arising from Internet activity. Personal information is not transferred to volunteer committee members, the Board of Directors, or third parties by e-mail or other electronic form with the exception of technical support technicians for the TEA database software. Data transferred to the TEA database software technicians is immediately destroyed after dealing with any technical difficulty.

11. Openness

Nishnawbe Aski Development Fund will endeavour to make its privacy policies and procedures known to the individual via this Privacy Policy as well as the Nishnawbe Aski Development Fund Privacy Statement.

12. Individual Access

An Individual who wishes to review or verify what personal information is held by Nishnawbe Aski Development Fund, or to whom the information has been disclosed (as permitted by the Act), may make the request for access, in writing, to the Nishnawbe Aski Development Fund's Chief Privacy Officer. Upon verification of the individual's identity, the Chief Privacy Officer will respond within 60 days.

If the individual finds that the information held by Nishnawbe Aski Development Fund is inaccurate or incomplete, upon the individual providing documentary evidence to verify the correct information, Nishnawbe Aski Development Fund will make the required changes to the individual's active file(s) promptly.

13. Complaints/Recourse

If an individual has a concern about Nishnawbe Aski Development Fund's personal information handling practises, a complaint, in writing, may be directed to the Nishnawbe Aski Development Fund's Chief Privacy Officer.

Upon verification of the individual's identity, Nishnawbe Aski Development Fund's Chief Privacy Officer will act promptly to investigate the complaint and provide a written report of the investigation's findings to the individual.

Where Nishnawbe Aski Development Fund's Chief Privacy Officer makes a determination that the individual's complaint is well founded, the Chief Privacy Officer will take the necessary steps to correct the offending information-handling practise and/or revise Nishnawbe Aski Development Fund's privacy policies and procedures.

Where Nishnawbe Aski Development Fund's Chief Privacy Officer determines that the individual's complaint is not well founded, the individual will be notified in writing.

If the individual is dissatisfied with the finding and corresponding action taken by Nishnawbe Aski Development Fund's Chief Privacy Officer, the individual may bring a complaint to the Federal Privacy Commissioner at the address below:

*The Privacy Commissioner of Canada Email address: www.privcom.gc.ca.
112 Kent Street, Ottawa,
Ontario K1A 1H3
Tel 1-800-282-1376*

Questions/Access Request/Complaints

Any questions regarding this or any other privacy policy of Nishnawbe Aski Development Fund may be directed to the Chief Privacy Officer. Requests for access to information, or to make a complaint, are to be made in writing and sent to the Chief Privacy Officer at the address below:

*Chief Privacy Officer Email address: cpo@nadf.org
Nishnawbe Aski Development Fund
106 Centennial Square, 2nd Floor
Thunder Bay, ON P7E 1H3*

Amendment to Nishnawbe Aski Development Fund's Privacy Policies

This Nishnawbe Aski Development Fund's Privacy Policy is in effect September 13, 2004 and is retroactive to January 1, 2004.

This policy is subject to amendment in response to developments in the privacy legislation.

The Chief Privacy Officer will review and revise the Privacy Policy from time to time as required by changes in privacy law.

Notification of any changes in the Privacy Policy will be posted on Nishnawbe Aski Development Fund's website, as well as in Nishnawbe Aski Development Fund's Privacy Statement.

Any changes in the Privacy Policy will apply to Personal information collected from the date of the posting of the revised Privacy Policy on Nishnawbe Aski Development Fund's website.