

# TOROMONT

## PRIVACY STATEMENT

Toromont Industries Ltd., our divisions and subsidiaries (collectively, "Toromont") are committed to recognizing and protecting the accuracy, security and privacy of the personal information collected from our customers and employees. We, too, are consumers and we understand the value of personal information. Toromont is governed by the *Personal Information Protection and Electronic Documents Act* (the "Act"), and certain of our divisions and subsidiaries are governed by provincial privacy legislation.

This Privacy Statement explains: what personal information Toromont collects; why we collect it; how we collect it; why and to whom we disclose it; our retention policy; safeguards we take to protect the information; how you can access your personal information that we maintain; how you can challenge our compliance with the Act; your consent to the foregoing and your rights in connection with our collection, use and disclosure of your personal information.

Our Web site contains links to third party Web sites. We are not responsible for such sites, what information they provide and what privacy policies they maintain.

You can obtain a copy of this Privacy Statement in electronic form on our corporate Web site at [www.toromont.com/policy.asp](http://www.toromont.com/policy.asp) or in paper form at Toromont Industries Ltd., 3131 Hwy 7 W., Concord, Ontario, L4K 1B7.

### Consent

By submitting personal information to Toromont you are agreeing that we may collect, use and disclose your personal information for the purposes identified in this Privacy Statement or for such other purposes as may be identified and communicated to you at the time we collect such personal information. For such other purposes the consent may be expressed (for example, orally or in writing) or implied (for example, by using certain of our products or services or by failing to check a box on any form that asks you to do so if you do not wish to have your personal information used or disclosed for a particular purpose). Subject to legal and contractual requirements, you may refuse or withdraw your consent to any or all of these purposes at any time with reasonable notice by contacting the relevant person listed below under Contact Information.

Because Toromont will not, as a condition to the supply of a product or service, require you to consent to the collection, use or disclosure of personal information beyond that required to fulfill the purpose for which such information is collected, the withdrawal of consent to the collection, use or disclosure of personal information may mean that we will no longer be able to supply you with the product or service that was the subject of the consent. However, we will not unreasonably withhold products or services from you where you refuse to give, or withdraw, your consent. Also, we will inform you of the consequences of refusing to give, or withdrawing, your consent when you seek to do so.

### Personal Information

The definition of "personal information" in the Act is as follows: "information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization." Accordingly it can include, among other things, any factual or subjective, recorded or unrecorded, information about an identifiable individual, including: the name, address and telephone number of a customer; e-mail addresses; income information; ethnic origin; opinions; evaluations; comments; financial information and purchasing habits. Provincial legislation may contain a different definition of personal information.

### What personal information do we collect?

Only information that is necessary for the purposes that we have identified in this Privacy Statement or otherwise

informed you of will be collected. For example, we collect personal information such as your name, address, e-mail address, language and other information needed to provide specific services to you. We also collect purchase, rental and credit information and information on your businesses and equipment needs. We believe that is important to know our customers so that we can better serve you. Throughout the course of administering the relationship with our employees we obtain personal information about our employees and, in some circumstances, their family members (as provided to us by our employees).

Toromont may also collect information about your computer hardware and software. This information may include: your IP address (the number assigned to your computer when you use the Internet), browser type, operating system, domain name, access times and referring Web site addresses. We also collect information about which pages are viewed within our Web sites and applications. We use this information for system administration, Web server load balancing and for our internal security audit log. We do not link your IP address to any personal information provided to us by you through our Web site, but it may be used to help identify you for the duration of a session and to gather broad, aggregate demographic information about visitors to our Web sites.

### **Why do we collect personal information?**

We collect personal information for the reasons listed below, always by fair and lawful means, to enable us to operate our business on a reasonable basis. These reasons include:

- to enable us to sell or rent our products or provide our services to you
- to keep you apprised of special offers, changes, enhancements, warranty information or other notices that may be of interest to you
- to gain a better understanding of your needs so that we may better serve you
- to help us enhance our Web services
- to deliver services that you request or purchase
- to allow us to validate your access to customer -specific Web sites and applications
- to maintain the quality of our Web sites and to provide general statistics regarding use of our Web services-
- to provide you with personalized content
- to send you e-mails informing you of issues (for example, technical problems or lapse of service due to maintenance) related to the Web sites and applications for which you are registered. We recommend that you do not unsubscribe to these mailings because they are an essential part of the service you have chosen, but you may do so by e-mailing us at [webmaster@toromont.com](mailto:webmaster@toromont.com)
- to assist us with establishing, managing and terminating the employment relationship, including reviewing applications, processing payroll, providing benefits and conducting performance reviews, and as otherwise notified to employees.

There may be other specific uses for which we need your personal information. If so we endeavour to disclose the uses to you and obtain your consent at the time we collect your personal information.

### **How do we collect personal information?**

There are a number of methods (in addition to those described above) by which we collect personal information, including:

- credit applications, credit checks, purchase agreements, rental agreements, service agreements and other such business agreements
- registrations on our Web site
- business cards, surveys, market research and other business intelligence sources such as credit agencies
- conversations with you (we keep notes and special instructions on file to allow us to serve you better)
- in the ordinary course of business through the employment relationship.

In addition, in some of our Web applications we use "cookies" – pieces of information that may be placed on your computer by the Web site for the purpose of facilitating or enhancing your communication and interaction with that site.

In such cases a cookie is placed on your computer (if accepted) or is read if the corresponding Web site has been previously visited. Cookies help us deliver personalized content and are an integral part of some of our Web applications. We may also use cookies to obtain statistics on the use of our Web sites and applications. You may stop or restrict the placement of cookies on your computer or flush them from your browser by adjusting your web browser preferences. However, the rejection of certain cookies may interfere with the functionality of the Web site. We do not use cookies to retrieve information from your computer for purposes that are unrelated to the service being offered over the applicable Web site or your interaction with that Web site.

### **Why and to whom do we disclose personal information?**

We may disclose your personal information as follows:

- for marketing purposes within our divisions and subsidiaries if we believe that their services can be of benefit to you
- to our finance partners such as CAT Finance to allow them to process your applications for credit
- to our third party service providers to allow us to operate our business including to provide you with marketing offers, collect overdue accounts, deliver products and process credit card payments and charges
- if required to do so by law or in the good-faith belief that such action is necessary to: conform to legal requirements or comply with legal process served on Toromont; protect and defend the rights or property of Toromont; conduct investigations; act in urgent circumstances to protect the personal safety of Toromont employees, users of Toromont products or services, or members of the public
- to third parties in connection with a possible financing, insuring, sale, assignment or other disposal of all or part of our business or assets, including for the purpose of allowing the third party to determine whether to proceed with such transaction
- to other third party service providers to assist us with establishing, managing and terminating an employment relationship
- in other limited circumstances as permitted by the Act.

If we transfer your personal information to a third party we will require the third party treat your personal information in accordance with this Privacy Statement and the Act. Other than as described above, we do not share your personal information with any third party.

### **Our retention policy.**

Personal information is retained by Toromont only as long as is necessary for the fulfillment of the purposes identified in this Privacy Statement or otherwise identified to you. Each of our divisions and subsidiaries has its own retention policy or practice that reflects the necessities of its business. For example, personal information in accounts at Battlefield that have been dormant for three years is destroyed. To ensure the accuracy and relevancy of personal information we hold and continue to use, we will make periodic checks for validity and accuracy.

### **Safeguards we take to protect personal information.**

Toromont is committed to protecting your personal information against loss, theft and unauthorized access, disclosure, use or modification by instituting security safeguards consistent with the sensitivity, amount, format, nature and storage of the information. For example, we store personal information that you have provided to us in electronic form in computer servers with limited access that are located in controlled facilities. Paper files are maintained in secure locations with various levels of restricted access based on the sensitivity of the information. When we transmit sensitive information over the Internet, we protect it through the use of encryption technologies (128-bit SSL protocol). Please remember that e-mails to us are not a secure means of communication unless you have encrypted your message.

### **How you can access your personal information.**

In accordance with the Act, upon written request, satisfactory identification and proof of entitlement, you can access your personal information by contacting the relevant person listed below under Contact Information. Upon reviewing such

information you can change or update it by providing the correct information to us or take such other action as permitted by the Act.

If you advise us that any of your personal information is inaccurate, incomplete or out-of-date, in a reasonable period of time we will amend our records and, as appropriate depending on the nature of the personal information, advise third parties as to any changes so as to ensure the accuracy and completeness of such information.

Depending on the nature and scope of your request, there may be a minimal fee associated with your request for information (for example, photocopy charges). In some cases, (for example, if disclosing such information may result in the disclosure of another person's personal information,) we may decline to provide the requested access. If we do so, we will provide you with written reasons, and you may then discuss the reasons with us.

### **How you can challenge our compliance with the Act.**

You may challenge our compliance with the Act and /or this Privacy Statement by contacting the relevant person listed below. We suggest that you first contact the privacy person for the relevant business and if you are not satisfied with the response you receive, then contact the Chief Privacy Manager for Toromont Corporate.

### **Contact Information**

You may contact us if you have any questions about this Privacy Statement by email at [webmaster@toromont.com](mailto:webmaster@toromont.com)

In addition, the names and contact information of the privacy persons at each of our divisions and subsidiaries are as follows:

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#### ***Battlefield:***

- Ron Jarvis - Chief Privacy Manager, (905) 643-9410 [ron.jarvis@toromont.com](mailto:ron.jarvis@toromont.com)

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#### ***Cimco:***

- Karen Mihay - Privacy Co-ordinator, (416) 465-7581 ext. 314 [kmihay@toromont.com](mailto:kmihay@toromont.com)
- Guy Russell - Chief Privacy Manager, (416) 465-8567 [grussell@toromont.com](mailto:grussell@toromont.com)

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#### ***Toromont CAT \ Toromont Energy \ Mechron:***

- Rhonda Ismail - Privacy Co-ordinator for Customer Information, (416) 667-5635, [rismail@toromont.com](mailto:rismail@toromont.com)
- Evelyn Gardner - Privacy Co-ordinator for Employee Information, (416) 667-5620, [egardner@toromont.com](mailto:egardner@toromont.com)
- Art Slaughter - Chief Privacy Manager, (416) 667-5863, [aslaughter@toromont.com](mailto:aslaughter@toromont.com)

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#### ***Enerflex Ltd.:***

- Lisa Lopez-Jackson - Chief Privacy Manager, (403) 250-4995, [llopez-jacks@^}^!-^@.com](mailto:llopez-jacks@^}^!-^@.com)

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#### ***Toromont Corporate:***

- David Wetherald - Chief Privacy Manager 416-667-5773, [dwetherald@toromont.com](mailto:dwetherald@toromont.com)

This Privacy Statement will be modified and supplemented from time to time.

*Last updated on Feb. 20, 2007.*