

# Privacy Policy

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## 1. Introduction

This policy (the “**Privacy Policy**”) governs how 2425097 Ontario Inc. (doing business as Movati and/or Movati Athletic) and all of its related companies (collectively, “**Movati**”, “**we**” or “**us**”) manage the accuracy, security and privacy of personal information that you provide to us. The Privacy Policy contains a statement of principles and guidelines for the protection of the personal information of our individual clients (and, where applicable, that of our clients’ employees), service providers, and suppliers as well as other individuals (“individuals” or “you”).

Movati’s corporate headquarters are located in the Province of Ontario, Canada, but Movati may collect, use, disclose or transfer personal information across provincial and national borders. This Privacy Policy may be supplemented in response to additional legal requirements of other jurisdictions where Movati conducts business and additional legal requirements that apply to certain types and sources of personal information. Nothing in this Privacy Policy creates or adds to any right or claim (whether legal, equitable or otherwise) that any individual or person may have at law or otherwise against Movati, or any of their respective directors, officers, employees, agents or representatives (collectively, the “Movati Group”); nor will the existence of this Privacy Policy or its application impose any obligations or liability upon the Movati Group that the Movati Group does not already have to any individual or person at law or otherwise.

## Your Consent

**BY SUBMITTING PERSONAL INFORMATION TO MOVATI, YOU AGREE THAT MOVATI OR ITS LEGAL AGENTS MAY COLLECT, USE AND DISCLOSE SUCH PERSONAL INFORMATION AS DESCRIBED IN, AND IN ACCORDANCE WITH, THIS PRIVACY POLICY AND AS PERMITTED OR REQUIRED BY LAW. Subject to legal and contractual requirements, and reasonable notice, you may refuse or withdraw your consent to certain of the identified purposes in Section 4 by contacting the Movati Privacy Officer. If you refuse or withdraw your consent to certain purposes, we may not be able to establish or maintain a commercial relationship with you or provide you with services or information which may be of value to you. If you provide us with personal information of another individual, you represent and warrant that you have all necessary authority and/or have obtained all necessary consents from individual to enable us to collect, use and disclose such personal information for the purposes set forth in this Privacy Policy.**

## **2. Personal Information**

In this Privacy Policy, “personal information” is defined as information about an identifiable individual and does not include aggregated information that does not allow an individual to be identified.

An individual’s business contact information, such as his or her name, title, business address, business telephone and business facsimile numbers, are not considered to be personal information except in the Province of Québec. The types of personal information that Movati may collect includes, without limitation, (a) personal information provided by our clients so that we can provide services to our clients (including banking, credit card and/or other payment information), and (b) other personal information, including unsolicited resumes, that may be submitted to Movati by any means.

## **3. Privacy Principles**

Movati collects, uses and discloses personal information in accordance with the following ten privacy principles which form the basis of this Privacy Policy.

### **Principle 1 - Accountability**

Movati is responsible for personal information under its control and has designated a Privacy Officer to be accountable for Movati’s compliance with this Privacy Policy and applicable laws. Contact information for the Movati Privacy Officer is provided in Section 9 below.

### **Principle 2 - Identifying Purposes for Collection of Personal Information**

Movati identifies the purposes for which personal information is collected at or before the time the personal information is collected. Some of the identified purposes for which Movati collects, uses or discloses personal information are described in Section 4 below.

### **Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information**

The knowledge and consent of an individual are required for the collection, use, or disclosure of his or her personal information, except where inappropriate or as permitted by law. In obtaining consent, Movati uses reasonable efforts to ensure that an individual is advised of the identified purposes for which his or her personal information will be used or disclosed. In determining the appropriate form of consent, Movati has taken into account the sensitivity of the personal information and the reasonable expectations of a reasonable person. An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice, by contacting the Movati Privacy Officer. The implications of such withdrawal are described above.

### **Principle 4 - Limiting Collection of Personal Information**

Movati limits the collection of personal information (both in terms of the amount and the type of information) to that which is reasonably necessary for the purposes identified in this Privacy Policy.

**Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information**

Movati does not use or disclose personal information for purposes other than those identified in this Privacy Policy, except as required or permitted by law. Movati retains personal information only for as long as necessary to fulfill the identified purposes.

**Principle 6 - Accuracy of Personal Information**

Personal information held by Movati is as accurate, complete and up-to-date as necessary for the purposes for which it is to be used. Movati does not routinely update personal information unless it is necessary to do so in order to fulfill the identified purposes. We rely on individuals to inform us of any changes to their personal information. To update personal information, please see Section 9.

**Principle 7 - Security Safeguards**

Movati uses industry standard security measures to protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, modification, disposal or destruction. Personal information disclosed by Movati to third parties is subject to contractual agreements which stipulate the confidentiality of the information and the limited purposes for which it is to be used.

**Principle 8 - Openness Concerning Policies and Practices**

Movati policies and practices relating to the management of personal information are set out in this Privacy Policy. The policy is available on the Movati website at [www.movatiathletic.com](http://www.movatiathletic.com) and upon request to the Chief Privacy Officer via the contact information provided below.

**Principle 9 - Individual Access to Personal Information**

Upon written request from an individual pursuant to Principle 8, Movati will inform the individual of the existence, use, and disclosure of his or her personal information and, subject to certain very limited exceptions, will give the individual access to that information. If access is granted, Movati will give the requesting individual a reasonable opportunity to review the personal information collected and stored by Movati. Personal information will be provided in an understandable form within a reasonable time, generally within 30 days, and at minimal cost to the individual. Movati may extend such 30 day period by up to an additional 30 days if meeting the time limit would unreasonably interfere with the activities of Movati or the time required to undertake any consultations necessary to respond to the request would make the time limit impracticable to meet. An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate. If access is lawfully denied, Movati will notify the requesting individual in writing, give reasons for the denial, and inform the individual of the recourses open to him or her.

**Principle 10 - Challenging Compliance**

Individuals may address a challenge concerning compliance with this Privacy Policy to the Movati Privacy Officer via the contact information set out in Section 9 below.

#### 4. Why does Movati Collect Personal Information?

Movati and its agents, affiliates and service providers may collect, use and/or disclose personal information for the following purposes:

(a) to consider whether Movati should establish or continue a commercial relationship, including without limitation, to extend credit and to evaluate credit standing and to match credit bureau or credit reporting agency information, to check references and to confer with banking institutions; (b) to establish and maintain commercial relations with clients, investors, shareholders, suppliers, financial institutions, insurers, and affiliates, and to provide ongoing products and services, administer accounts, make and receive payments, and fulfill contractual obligations; (c) to understand and respond to client needs and preferences, including to communicate with clients and to provide them with support and other services; (d) to conduct surveys, contests and promotions; (e) to distribute newsletters, press releases, promotional information and other material to individuals, in any format or media, including via third party mailing houses; (f) to develop, enhance, market, sell, provide, and inform individuals of Movati's products and services; (g) to develop, enhance, market, sell, provide, and inform individuals of products and services of third parties, including affiliates and suppliers with whom Movati has a commercial relationship; (h) to manage and develop Movati's businesses and operations; (i) to update and verify our databases and information provided by third parties; (j) to detect and protect Movati and other third parties against error, negligence, breach of contract, theft, fraud and other illegal activity, to comply with Movati's audit requirements, and to engage in audit compliance further to Movati's corporate policies, procedures, laws and contractual obligations; (k) to engage in and carry out business transactions that may involve the sale or transfer of personal information, including the purchase, sale, lease, merger, amalgamation or any other type of acquisition, disposal, securitization or financing involving Movati or its affiliates; (l) as permitted by, and to comply with, any legal or regulatory requirements or laws; (m) to send commercial electronic messages to clients and potential clients; and (n) for any other purpose to which an individual consents.

In addition to the above purposes, from time to time Movati may disclose personal information to:

- (1) its service providers, including an organization or individual retained by Movati to perform functions on its behalf or to provide services to Movati, such as marketing, data processing, software development, website hosting, information technology and office services, and further provided such organization or individual does not collect, use or disclose the personal information for any purpose other than to perform such functions or provide services to Movati;
- (2) a person retained by Movati to fulfill one or more of the purposes described in this Privacy Policy, including without limitation, to evaluate creditworthiness, to collect debts outstanding on accounts, or in conjunction with the assignment of a right to receive payments, the provision of security or other financing arrangements;

(3) a person who, in the reasonable judgment of Movati, is providing or seeking the information as an agent of the subject individual; and

(4) any third party or parties, with the consent of the subject individual or where disclosure is required or permitted by law.

## **5. Privacy and our Websites**

**Cookies** – When you access the Movati website, we may use a browser feature called a ‘cookie’ to collect information that is not personally identifiable (such as the type of Internet browser and operating system you use, the domain name of the website from which you came, number of visits, average time spent on our website, and pages viewed). A cookie is a small text file containing a unique identification number that identifies your browser, but not you, to our computers each time you visit one of our websites that uses cookies. Unless you specifically inform us (e.g. by sending us comments or an inquiry from our website), we will not know who you are. In addition to the identified purposes described in our Privacy Policy, Movati may use this information gathered from cookies and share it with other organizations with which we have a commercial relationship to measure the use of our website and to improve the functionality and content of the website. If you wish, you can reset your browser either to notify you when you have received a cookie or refuse to accept cookies. However, if you refuse to accept cookies, you may not be able to use certain features on our website.

**On-line and Off-line Communications** – In order to provide you with a product, service or information, you may voluntarily submit personal information to us for purposes such as registering for our services, obtaining information, corresponding with us (including through electronic means), and participating in contests and surveys. We may combine and store personal information about your use of our website and the online information you have provided with certain other online and offline information we may have collected.

**Electronic Communications** – If you send us an inquiry from our website, Movati may send you electronic communications with information that may be useful to you, including information about Movati and other third parties with whom we have a commercial relationship. We will include instructions on how to unsubscribe and inform us of your preferences if you decide you do not want to receive any future marketing or promotional electronic messages from Movati.

**Links** – Our website may contain links to other websites which are provided to you as a convenience only. You are advised that personal information you submit through other third party websites will be governed by the respective policies and privacy practices of those websites, if any. Movati has no responsibility for such third party websites.

## **6. How to Obtain Access to Personal Information**

Upon your written request and subject to certain exceptions, Movati will inform you of the existence, use and disclosure of your personal information and will give you access to that information. Access requests must be sent in writing to our Privacy Officer at the contact information in Section 9 below.

**7. How does Movati Protect Personal Information?**

To help guard the confidentiality of personal information, Movati uses industry standard administrative and technological safeguards appropriate to the sensitivity of the personal information. For instance, we operate secure data networks protected by firewall and password protection systems. Personal information is stored in secured locations and on servers controlled by Movati, located either at our offices or at the offices of our service providers. Personal information collected will be destroyed, erased or made anonymous when it is no longer required to fulfill the purposes for which it was collected.

**8. Changes to this Privacy Policy**

Movati reserves the right, at any time, to modify, alter, or update this Privacy Policy, and such changes, modifications, additions or deletions shall be effective immediately upon notice to you, which may be given by any means including, but not limited to, posting an updated version of this Privacy Policy onto the Movati website or by electronic or conventional mail. You agree to regularly review the Privacy Policy posted on the website and to be aware of such revisions. Your continued use of the Movati website constitutes your agreement to follow and be bound by the Privacy Policy as changed. If at any time this Privacy Policy is no longer acceptable to you, you should immediately cease to use the Movati website.

**9. Further Information**

For more information about Movati's privacy practices, to amend or obtain access to your personal information, to opt-out or withdraw your consent, or if you have privacy-related questions or concerns, please contact our Privacy Officer at:

**Movati Privacy Officer**

Movati Athletic  
400-33 University Avenue W  
Windsor, ON  
N9A 5N8  
Attention: Charlie Simpkins, CIPP/C  
Telephone: 519-256-2010  
Email: [privacyofficer@movatiathletic.com](mailto:privacyofficer@movatiathletic.com)

**10. Website Terms of Use**

Please also review our Terms of Use, which apply to anyone who accesses, browses or uses our website. Our Terms of Use are available at <http://www.movatiathletic.com/term>