

Company Privacy Policy



as of May 5, 2010



Company Privacy Policy

Apex Limited Partnership by its General Partner Apex G.P. Ltd. and all of its subsidiaries (collectively or individually referred to below as “Apex”) has been, and continues to be, committed to maintaining the privacy, accuracy, confidentiality, security and ethical use of Customers’ Personal Information.

This Privacy Policy applies to the following organizations:

- Apex Limited Partnership by its General Partner Apex G.P. Ltd.
- Apex Developments Limited Partnership by its General Partner Apex Developments G.P. Ltd.

What are our Objectives?

The objective of Apex’s Privacy Policy is to promote responsible and ethical practices in the management of Customer Personal Information in accordance with the provisions of the applicable privacy protection legislation.

Apex reserves the right to amend this Privacy Policy at any time.

Who does this Privacy Policy apply to?

This Privacy Policy applies to the collection, use and disclosure of Personal Information that Apex obtains from a Customer and maintains in its records.

“Customer” is defined as any person who purchases land or a lot through Apex or completes a survey form.

“Personal Information” is any information relating to an identifiable Customer including, but not limited to: information in any form, contact and mailing information, credit information, building plans information, insurance information, municipal and legal description of property and personal survey information.

What does this Privacy Policy cover?

This Privacy Policy describes Apex's collection, use and disclosure of Personal Information of its Customers for the purpose of providing our products, our services and for our business activities.

It also governs how third parties, acting on Apex's behalf, handle Customer Personal Information.

Finally, it provides procedures for a Customer to access or update his or her Personal Information or make a complaint regarding the handling of his/her Personal Information.

Apex's 10 Privacy Principles

Apex agrees to abide by these privacy principles in collecting, using and disclosing of Customer Personal Information. These principles are:

Principle #1 – Accountability

Apex is responsible for Customer Personal Information under its control.

Accountability for compliance with this Privacy Policy rests with the Senior Management of Apex but, all employees are trained to appreciate the importance of privacy and confidentiality of Personal Information and are required to comply with the provisions of this Privacy Policy as a condition of their employment. Apex has designated the following person to act as Privacy Officer:

Sue Andrews, CHRP

Privacy Officer

Apex Limited Partnership by its General Partner Apex G.P. Ltd.

E-mail Address: sandrews@apexland.com

1.1 Senior Management and the Privacy Officer may designate other individuals to assist with compliance of this Privacy Policy.

Principle #2 – Identifying Purposes for Collection, Uses and Disclosure

Apex collects uses and discloses Customer Personal Information within the organization and with appropriate and reasonable third parties in its normal course of business and to establish and manage its relationships with Customers.

2.1 Specifically, Apex may collect, use and disclose Customer Personal Information as follows: ("identified purposes"):

- to provide necessary financial information;
- to establish and maintain a buyer/joint venture relationship;
- to meet legal and regulatory requirements.

If a Customer wishes to receive a further explanation/clarification of the "identified purposes", please contact the Privacy Officer.

- 2.2 We reserve the right to collate/process and disseminate statistics based on the aggregation of data held in our files, provided that information relating to any individual Customer will not be identified from the resulting analysis.
- 2.3 Certain Apex Employees, Contractors and Consultants may be given access to Personal Information in so far as their duties require access for business purposes. Their access to Customer Personal Information is on a **need to know basis**.

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

Customer knowledge and consent is required for the collection, use or disclosure of Personal Information, except where inappropriate, or where required or permitted by law.

COLLECTION, USE AND DISCLOSURE WITHOUT CONSENT OF CUSTOMERS

- 3.1 In certain circumstances, Personal Information can be collected, used, or disclosed without the knowledge and consent of the Customer.
 - In circumstances where consent is not required by law or pursuant of an Order of the Court. Example: detection and prevention of fraud.

FORM OF CONSENT

- 3.2 The acceptance of a Contract by Apex or the submission of a survey form to Apex shall be considered consent to collect, use and disclose Personal Information for all identified purposes as set out in this Privacy Policy.
- 3.3 Apex does not sell, trade or rent its Customer Personal Information to any organization for any purpose.

WITHDRAWING CONSENT

- 3.4 A Customer may withdraw consent at any time to collect, use or disclose his/her Personal Information, subject to legal or contractual restrictions and with reasonable notice.
- 3.5 Apex shall inform the Customer of the implications of such withdrawal, as withdrawing consent may disentitle the Customer from associated services and products. In order to withdraw consent, an individual must provide notice, in writing, to the Apex Privacy Officer.

PERSONAL INFORMATION COLLECTED PRIOR TO PRIVACY PROTECTION LEGISLATION

- 3.6 Personal Information collected prior to the enactment of privacy protection legislation will only be used or disclosed for purposes the information was originally collected for and in accordance with this Policy.

Principle #4 – Limiting Collection, Use and Disclosure of Personal Information

Collection, Use and Disclosure of Personal Information of Customers shall be limited to identified purposes.

- 4.1 Apex collects most Personal Information relating to Customers directly from the individuals, and occasionally from third parties such as realtors, mortgage brokers or financial institutions, builders and other developers.
- 4.2 Similarly, Customers' Personal Information may be disclosed for identified purposes to appropriate and reasonable third parties such as financial institutions.

Principle #5 – Retention

Personal Information shall be retained as long as reasonably necessary to fulfill identified purposes or as may be required by law.

Principle #6 – Accuracy

Personal Information shall be as accurate, complete, and up-to-date as is reasonably necessary, for the purposes for which Personal Information is to be used.

- 6.1 It is the Customer's responsibility to ensure that Apex receives accurate complete information in a timely manner.

Principle #7 – Security Safeguards

Personal Information shall be protected by security safeguards appropriate to the sensitivity of the information. Apex undertakes to use reasonable methods to protect the security of Personal Information in its custody and under its control, with physical, administrative and technological safeguards, as appropriate.

- 7.1 Apex shall protect Personal Information disclosed to third parties by requiring third parties to sign contractual privacy agreements, protecting the information and limiting the purposes for which the information can be used.

Principle #8 – Openness Concerning Policies and Practices

Apex shall make specific information about the principles and practices relating to its handling of Personal Information available on request.

- 8.1 Apex will make this Privacy Policy available online, by mail, or in a paper format at its Head Office.

Principle #9 – Customers' Access to Personal Information

Upon request, a Customer is entitled to access Personal Information about them which is in the custody of or under the control of Apex. A Customer is entitled to challenge the accuracy and completeness of the information and have it amended if appropriate.

- 9.1 Upon a written request to the Privacy Officer, and upon presentation of satisfactory identification, Apex shall take all reasonable steps to gather the Personal Information requested.
- 9.2 Apex shall reply to access requests within 45 days unless additional time has been granted by the Privacy Commissioner.
- 9.3 Apex shall provide a written response detailing whether access will be given to all or part of the requested Personal Information and explain the reasons for the refusal, if any part of the access request be refused.
- 9.4 When an individual successfully demonstrates the inaccuracy or incompleteness of Personal Information, Apex shall amend the information as required, subject to legal limitations.

Principle #10 – Challenging Compliance, Handling Customer Inquiries

A Customer shall be able to address a challenge concerning compliance with the above principles to Apex's Privacy Officer.

- 10.1 Apex shall investigate all complaints concerning compliance with Apex's Privacy Policy. If a complaint is found to be justified, Apex shall take appropriate measures, including, if necessary, amending its policies and practices.
- 10.2 If after contacting Apex, a Customer feels his/her concerns have not been addressed satisfactorily, Apex will provide information on other complaint procedures that are available to the Customer, including seeking advice from the Office of the Privacy Commissioner of Alberta at 1-888-878-4044.
- 10.3 The person or persons accountable for compliance with this Privacy Policy may seek external advice where appropriate before providing a final response to individual complaints.