



## General Privacy Policy

Maxim Power Corp., Milner Power Inc., and their related group of companies, which includes all direct and indirect subsidiaries (collectively, "MAXIM", "we", "us" or the "Company") are committed to maintaining the accuracy, confidentiality and security of personal information in the custody or control of MAXIM in compliance with applicable legislation. MAXIM is based in Calgary, Alberta, Canada, and could operate in a number of areas of the world, including (but not limited to) other provinces of Canada and the United States of America. Areas of operation may change without notice. We have developed this privacy policy (the "Policy") to inform you of how MAXIM collects, uses and discloses personal information.

Privacy legislation in Canada generally applies to "personal information", defined as information about an identifiable individual, but does not apply to what is generally referred to as "business contact information" (such as the name, position title, business telephone number, business address and other contact information of an individual in their capacity as an employee or official of an organization) where the collection, use or disclosure of an individual's business contact information is solely for the purpose of enabling the individual to be contacted in relation to the individual's business responsibilities.

The activities of MAXIM with respect to the collection, use and disclosure of personal information primarily occur in Canada. It is therefore the policy of MAXIM to comply with applicable Canadian legislation, primarily the *Personal Information Protection Act* ("PIPA") (Alberta) and, as applicable, the *Personal Information Protection and Electronic Documents Act* ("PIPEDA") (Canada).

### MAXIM's Sources of Personal Information

Apart from its employees and independent contractors where such contractors are individuals, and apart from its shareholders and directors, MAXIM collects only minimal personal information. Independent contractors are included in the definition of "employee" under PIPA.

MAXIM collects personal information related to its shareholders and directors.

MAXIM may collect personal information from individuals who voluntarily provide such information to MAXIM, whether or not MAXIM first requested it.

### Purposes for Collection of Personal Information

MAXIM generally collects personal information for the following purposes:

- **Employees:** To establish, maintain, manage and terminate an employment relationship. This would include resumes, applications, social insurance number, banking information, citizenship and information required to set up health benefits for employment received by MAXIM.
- **Directors:** MAXIM is required by applicable laws to collect certain information with respect to its directors, including personal contact details, birthdate, citizenship, banking details and social insurance number
- **Shareholders:** MAXIM is required by applicable laws to collect certain information with respect to its shareholders, including personal contact details.



## Consent

It is generally the policy and practice of MAXIM to identify the purposes for collection, use and disclosure of personal information in advance of its collection, and to notify the individual of the purposes for collection, use or disclosure at or before the time of collection. However, there are some exceptions to this practice. In some circumstances, MAXIM does not require an individual's consent to collect, use or disclose personal information but is required to provide notification to the individual in advance. In other circumstances, specifically those set out in PIPA and/or PIPEDA, the law does not require that MAXIM obtain consent from an individual or provide notification to that individual, and MAXIM reserves the right to avail itself of all statutory exemptions where MAXIM considers it reasonable to do so.

For example, MAXIM may collect personal information without consent in circumstances that include, but are not limited to, the following:

- Where a reasonable person would consider that the collection of the information is clearly in the interests of the individual and the 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 of the information is authorized or required by a statute or regulation of Alberta or Canada or a bylaw of a local government body;
- 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 MAXIM;
- Where the collection of the information is necessary to comply with an audit or inspection of or by MAXIM where the audit or inspection is authorized or required by a statute or regulation of Alberta or Canada;
- Where the collection of the information is reasonable for the purposes of an investigation or a legal proceeding;
- Where the information is publicly available as prescribed or otherwise determined under applicable privacy laws; or
- Where the collection of the information is necessary in order to collect a debt owed to MAXIM or for MAXIM to repay to the individual money owed by MAXIM.

PIPA 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. By providing personal information to us voluntarily, we consider that an individual consents to our collection, use or disclosure of the individual's personal information as necessary to carry out the reasonable purposes for which we were provided the information.

Where practical, we will try to collect personal information directly from the person to whom the information pertains. Where necessary, we will collect personal information from other sources. Where a new purpose arises, MAXIM 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.



When we collect 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 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.

When we collect, use or disclose personal information, we will make reasonable efforts to ensure that it is accurate, up to date, and complete.

### **Use of Personal Information by MAXIM**

We use personal information for the following purposes:

- To contact or reply to individuals who have contacted us where such contact or reply is reasonable in the circumstances, is subject to deemed consent, or is legally required;
- To manage our employees;
- To manage our relationship with and our obligations to our shareholders and investors; or
- To fulfill our legal obligations.

As with the collection of personal information, there are circumstances in which MAXIM may use personal information without consent—including, but are not limited to, the following:

- Where a reasonable person would consider that the use of the information is clearly in the interests of the individual and the consent of the individual cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;
- Where the use of the information is authorized or required by a statute or regulation of Alberta or Canada or a bylaw of a local government body;
- Where the information in question was collected by MAXIM 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 MAXIM;
- Where the use of the information is necessary to comply with an audit or inspection of or by MAXIM where the audit or inspection is authorized or required by a statute or regulation of Alberta or Canada;
- Where the use of the information is reasonable for the purposes of an investigation or a legal proceeding;
- Where the information is publicly available as prescribed or otherwise determined under applicable privacy laws;
- Where the use of the information is necessary in order to collect a debt owed to MAXIM or for MAXIM to repay to the individual money owed by MAXIM; or
- In some circumstances, where the information may be disclosed without consent, it may also be used without consent.



## **Disclosure of Personal Information by MAXIM**

It is the general policy of MAXIM to not disclose personal information in its custody or control except with the consent of the individual and then only for identified purposes. However, there are exceptions. Alberta law permits us to collect, use or disclose personal information about an individual in some circumstances without the individual's consent. Such circumstances include, but are not limited, to where:

- Where the disclosure is clearly in the interests of the individual and consent cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;
- Where the disclosure of the information is authorized or required by a statute or regulation of Alberta or Canada or a bylaw of a local government body;
- Where the disclosure of the information is to a public body and that public body is authorized or required by an enactment of Alberta or Canada to collect the information from MAXIM;
- Where the disclosure of the information is necessary to comply with an audit or inspection of or by MAXIM where the audit or inspection is authorized or required by a statute or regulation of Alberta or Canada;
- Where the disclosure is reasonable for the purposes of an investigation or proceeding;
- Where the personal information is publicly available as prescribed or otherwise determined under applicable privacy laws; or
- Where the disclosure of the information is necessary in order to collect a debt owed to MAXIM or for MAXIM to repay to the individual money owed by MAXIM.

MAXIM will, in all cases, disclose personal information as required by applicable law, which includes the laws related to shareholders in corporations, and directors and officers of corporations.

## **Collection of Information by MAXIM's Website**

Individuals may visit MAXIM's website without providing any personal information, although an individual may choose to do so, in which case the provisions of this Policy will apply.

Visitors to MAXIM's website should also be aware that most web servers do obtain and log information through the operation of the computers and software involved. This information will generally include your IP address, the identity of your ISP, your operating system, your web browser software and version, and other information about your computer and connection. We do use cookies in connection with MAXIM's website.

## **Retention and Destruction of Personal Information**

Alberta law allows us to retain personal information for as long as MAXIM reasonably requires it for legal or business purposes. 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 non-identifying so that it can no longer be used to identify an individual.



Should consent to our collection, use, disclosure or retention of personal information be revoked by an individual, 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.

## **Security**

We recognize our legal obligations to protect the personal information we have collected about individuals. We therefore have physical security and digital security processes in place to secure against the unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction of personal information.

## **Requests for Access to personal information**

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

- their personal information under the custody or control of MAXIM;
- information about the purposes for which their personal information under the custody or control of MAXIM 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 MAXIM.

All such requests must be in writing, and we do not accept such requests via email. We will respond to requests in the time allowed by Alberta law, which is generally 45 days, and 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 it is 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.

An individual's ability to access his or her personal information under our control is not absolute. Alberta law provides that MAXIM *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.

The law further provides that MAXIM *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 MAXIM 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.

In some of the circumstances described above, if MAXIM is reasonably able to sever the information that would make disclosure problematic, MAXIM may be required to provide the applicant with access to the part of the record containing the applicant's personal information after the problematic information has been severed.

### **Responses to Requests for Access to Personal Information**

Our response 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 that will be given. If access or copies are refused by us, we will provide written reasons for such refusal and the section of PIPA on which that refusal is based, along with the name of person 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 records, if any, and to respond to them. We do not respond to such requests via email.

### **Requests for Correction of Personal Information**

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. We reserve the right to require sufficient information and detail from the individual in question in order to properly locate the information and provide a response. In the event that 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 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 rarely, if ever, be made to opinions, as opposed to factual information.



### **Amendment of Policy**

MAXIM reserves the right to amend this Policy from time to time. We may provide notice of such amendments through our website or by updating the effective date of this Policy as shown at the bottom of the first page of this Policy.

### **Contacting MAXIM with Respect to Privacy**

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

Ms. Kim Karran  
#1800, 715 – 5<sup>th</sup> Avenue S.W.  
Calgary, Alberta T2P 2X6  
Telephone: (403) 263-3021

If you are dissatisfied with how MAXIM handles your personal information, we invite you to contact our Privacy Officer in writing, setting out the reasons for your concern.