

COFOMO PRIVACY NOTICE

Last update: **November 3rd, 2022**

1. Introduction and scope

The terms and expressions in capitals which are not otherwise defined have the meaning given to them in Article 2.

COFOMO INC. (“**Cofomo**,” “**us**” or “**our**”) intends to protect Personal Information it gathers in the operation of its business and in maintaining its commercial relationships.

This notice regarding the protection of Personal Information (the “**Notice**”) explains Cofomo’s practices about the processing, gathering, use, disclosure, retention and destruction of Personal Information which we collect about you when you visit our Website <https://www.cofomo.com> (the “**Website**” or the “**Service**”) pursuant to Privacy Laws. We take the measures required to ensure that the Personal Information we gather is adequate, relevant, not excessive and is used for limited purposes. In certain circumstances, some of the provisions of this Notice exceed the requirements of Privacy Laws and in such circumstances, Cofomo has entire discretion to apply them.

The Notice also describes the rights to the protection of Personal Information of which the Data Subjects may have the benefit, namely the right to contest how Cofomo may process that information.

This Notice does not however apply to Personal Information collected by:

- a) **us, offline, by any other means, including any other website operated by a third party. In such a case, please refer to the CPO mentioned in Section 3.1.2, who may forward you our notice applicable to this type of information collecting as the case may be; and**
- b) **any third party, by any application or content which may linked or be accessed from or with the Service.**

The Service is not for the use of children (less than 18 years old) and we do not deliberately collect Data Subjects regarding such children.

It is important to read this Notice with any other protection of personal information notice which we may forward you occasionally when we collect your Personal Information to ensure that you are fully aware of the ways and purposes in which and how we use your Personal Information. This Notice completes any other notice or policy regarding the protection of Personal Information and is not deemed to replace such. If you do not agree with our protection of Personal Information policies and practices which comply with Privacy Laws, you must choose not to use the Service. By actively sending us your Personal Information through direct interaction with the Service, you assure us that you

understand, accept and consent to the practices described in this Notice. Please note that when we collect Personal Information in a way in which you are not likely to be aware of, for example, by the use of cookies or any other tracing technology, your consent is implied until you withdraw it (*opt-out*), as required under Privacy Laws.

The Notice is drafted in compliance with applicable Privacy Laws and is accessible to you in various tabs to allow you to click on the specific sections mentioned below. You may also download a complete version in PDF format by clicking [here](#).

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2. Definitions

“**Cookie Notice**” means our notice describing how we deal with cookies and other tracers. You may access this notice by clicking [here](#).

“**Data Subject**” or “**you**” means any identified or identifiable person about whom Cofomo collects Personal Information through your interactions with the Service.

“**Identity and Contact Information**” means any Personal Information identified in Section 4.1.

“**Personal Information**” means any information relating to an identified or identifiable natural person, excluding information that is not considered to be Personal Information under Privacy Laws. For more certainty, an “identifiable natural person” is a physical person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

“**Privacy Laws**” means all applicable laws governing the processing of Personal Information, including the *Act Respecting the Protection of Personal Information in the Private Sector*, S.Q., ch. P-39.1, the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, ch. C-5, the *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC*, the *Federal Data Protection Act of June 19, 1992 (Switzerland)*, the *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC as incorporated into UK law under the Data Protection Act 2018 (DPA)* and as amended by the *Data Protection, Privacy and Electronic Communications (Amendments etc)(EU Exit) Regulations 2019* and the *Data Protection, Privacy and Electronic Communications (Amendments etc)(EU Exit) Regulations 2020*, as well as regulations, interpretation bulletins, notices and decisions of their related enforcement organizations.

“**Technical Information**” means any Personal Information identified in Section 4.3.

“**User Information**” means any Personal Information identified in Section 4.2.

3. Chief privacy officer and supervisory authorities

3.1 Responsibility

Cofomo is responsible for the processing of the Personal Information it deals with and it has appointed a Chief Privacy Officer (the “CPO”) who ensures that Cofomo complies with Privacy Laws.

3.1.1 Contact details of the Cofomo Chief Privacy Officer in charge of processing privacy information:

3.1.2 CPO Contact Details:

Alain Plante
Privacy Officer
1000, De La Gauchetière W., office 1500
Montréal (Québec) H3B 4W5

Phone: +1 514 866-0039

Email: vieprivee@cofomo.com

3.2 Supervisory Authorities

You are entitled to file a complaint at any time with a supervisory authority:

- a) If you submit your Personal Information when you are in Quebec: to the *Access to Information Commission* (<https://www.cai.gouv.qc.ca/english/>);
- b) In certain circumstances you may submit your Personal Information when you are in Alberta: to the *Office of the Information and Privacy Commissioner of Alberta* (<https://www.oipc.ab.ca/>);
- c) In certain circumstances you may submit your Personal Information when you are in British Columbia: to the *Office of the Information and Privacy Commissioner of British Columbia* (<https://www.oipc.bc.ca/>);
- d) If you submit your Personal information when you are in the European Economic Area (“EEA”): to a supervisory authority in that territory such as the CNIL (<https://www.cnil.fr/en/home>), for example;
- e) If you submit your Personal information when you are in Switzerland: via legal proceedings in accordance with Articles 28, 28a and 28l from the *Civil Code of Switzerland*;
- f) If you submit your Personal information when you are in the United Kingdom: to the *Information Commissioner’s Office* (<https://ico.org.uk/>);
- g) If you submit your Personal Information when you are elsewhere in the world and if the supervisory authority of that area does not have jurisdiction: to the *Access to Information Commission* (<https://www.cai.gouv.qc.ca/english/>).

We would however appreciate being able to answer your questions or discussing your issue with you before you contact such a supervisory authority. We would appreciate if you would contact us first.

4. Personal information collected by COFOMO or provided by you

Cofomo restricts its collection of Personal Information to the information required to ensure that you have access to the Service and to subscribe to its newsletters.

Cofomo collects and process the following Personal Information:

4.1 Identity and Contact Information.

Your first name, last name, email address and phone number.

4.2 User Information.

Information about the way in which you use the Service, including the display language, the Services you consulted or researched, the page answering times, downloading errors, duration of visits and information concerning interactions with pages (namely scrolling, clicks and mouse dragging), which are all processed using cookies. For more information about our use of cookies or similar technology, please read our [CookieNotice](#).

4.3 Technical Information.

Information collected during your visits to our Website. This information includes your Internet Protocol (IP) address, your location data, your connection and weblog data, referred Internet addresses and other communications data, research conducted and pages visited, the time, date, linguistic preferences, the browsers you use and their versions, the types and versions of additional browser modules, type of device, time zone parameters, operating system and the platform used by the devices with which you browse or connect to and use the Website. To facilitate your use of the Website or for future communications, Cofomo or its service providers may use cookies to gather information regarding the Internet connection and how and when you consult the Website. For more information about our use of cookies or similar technology, please read our [Cookie Notice](#).

5. Non-personal information and third-party links

Cofomo would like to inform you about what follows:

5.1 Non-Personal Information.

In addition, some of the information mentioned in Article 4 is not Personal Information when it does not allow identifying you directly or in combination with other information. As a precautionary measure, Cofomo may handle this information as if it is Personal Information, but it has the right not to.

5.2 Third-Party Links.

The Service may contain links to websites, plug-ins and third-party applications. By clicking on these links or by authorizing such connections you may allow third parties to collect or share Personal Information about you. We have no control over third-party activity and we are not responsible for their notices or policies regarding the protection of Personal Information. When you log off the Service to use these tools, we encourage you to read the notices or policies regarding the protection of Personal Information which governs them.

6. Purposes for collecting personal information

Cofomo collects Personal Information about the Data Subject to provide access to the Website to inform you about Cofomo, its products and services. Cofomo shall collect, use disclose or otherwise deal with this information only to the extent required for such purposes. If Cofomo is to use, disclose or otherwise deal with the Personal Information of a Data Subject for purposes other than those mentioned in this Notice, Cofomo shall obtain the consent of the Data Subject before using, disclosing or otherwise dealing with this information, except in the circumstances specified in Article 9 of this Notice.

Cofomo collects Personal Information to the extent authorized by law for the following purposes:

Cofomo will only send you newsletters if you have, where required by law, opted in to receive them and you have the opportunity at any time to opt-out of receiving such commercial electronic messages at any time.

Cofomo shall not use your Personal Information to make automated decisions to create profiles or having an impact on profiles for purposes other than those mentioned above.

Cofomo shall not use Personal Information for purposes other than those for which it was collected, except if the Data Subject consents thereto, unless:

- a) **It is not possible to obtain consent for legal, medical or security reasons; or**
- b) **Cofomo is authorized to do so or is required to do so under applicable laws.**

7. Circumstances in which personal information is collected

Circumstances in which Cofomo may collect Personal Information about you include the following:

7.1 Direct Interactions.

You may disclose to us your Identity and Contact Information when you fill out the subscription form available on the Website.

7.2 Interactions or Automated Technology.

While you browse on the Website, we automatically collect your Technical Information and your User Information.

8. Collecting Personal Information from third parties

For the purpose of the Service, Cofomo will not collect Personal Information about you from third parties.

9. Disclosure of your personal information

9.1 Recipients.

Cofomo may disclose your Personal Information:

a) **To our affiliated entities for the purposes of our delivery of services to you, as specified in this Notice;**

b) **To our outsourced service providers based in Canada which we specifically use for the purposes of the Service, which are sub-contractors:**

- 1) Pelmorex (905-829-1159); and
- 2) HeroShop (1-877-733-6633).

c) **To our outsourced service providers based in the United States which we specifically use for the purposes of the Service and which are sub-contractors:**

- 1) Google Analytics (<https://policies.google.com/privacy?gl=CA&hl=en>);
- 2) Mail Chimp (<https://mailchimp.com/legal/privacy/>); and
- 3) Trade Desk (<https://www.thetradedesk.com/us/website-privacy-policy>).

d) **To our outsourced service providers based in Canada, which have a need to know some of your Personal Information to deliver their services to us;**

e) **To courts, law enforcement authorities, regulatory authorities, civil servants or attorneys or to any other party when such is reasonably necessary to initiate, participate in or contest legal proceedings or for an alternative dispute settlement process;**

f) In the case of a bankruptcy, amalgamation, sale or transfer of Cofomo's assets, an acquisition or a similar transaction. In case of such a transaction in which your Personal Information is to be transferred to a third party, we shall use reasonable means to notify you. For example, we will post a notice of transfer of Personal Information on the Service and if we have your email address, we will forward a notice of transfer of Personal Information to that address. In addition, we will require that the third party receiving your Personal Information for such purposes, agrees to protect the confidentiality of your Personal Information in compliance with this Notice and that it complies with Privacy Laws. It shall also process your Personal Information only in compliance with this Notice unless it gives you prior notice and when required by law, by obtaining your prior consent;

g) If we consider that this measure is appropriate or necessary to avoid an infringement of our Terms of use of the Service or of any other agreement to which you are a party; to protect ourselves from a claim; to protect our rights, property, security or those of a partner, person or of the general public, to maintain and ensure the security and integrity of the Service or of our infrastructures from any abusive or illegal use.

9.2 Limited Authorization.

We require that any third party respects the security of your Personal Information and process such pursuant to law. We allow only our own service providers to deal with your Personal Information for specific purposes and according to our instructions.

9.3 Application of Law and Communication by Law.

We may disclose your Personal Information if we consider in good faith that this measure is required under legal process, a warrant or under any other judicial or administrative decision rendered by law.

10. Collecting, using, disclosing and storing outside of Canada

10.1 International Transfers.

Cofomo, its third-party service providers and other third parties to whom Cofomo discloses Personal Information under the Notice, may carry on activities outside of Canada. Any Personal Information about a Data Subject, which is used, stored or consulted in foreign countries, may be subject to the laws of those countries (for example, when a third-party service provider carries on activities on a global scale). Accordingly, Personal Information may be disclosed following valid requests or requirements of government authorities, courts or authorities which enforce the laws of foreign countries.

10.2 Server Requirements.

We require that our service suppliers and other third parties to whom we disclose Personal Information process said Information only in Canada, except for the following

Personal Information which is processed in the United States by the following service providers:

- a) Google Analytics (<https://policies.google.com/privacy?gl=CA&hl=en>);
- b) Mail Chimp (<https://mailchimp.com/legal/privacy/>); and
- c) Trade Desk (<https://www.thetradedesk.com/us/website-privacy-policy>).

10.3 Primary Location of Processing. Many of our service providers are based outside of Canada, the EEA and the United Kingdom (“UK”; collectively with the EEA, the “EEA-UK”) and therefore their processing of your Personal Information will involve a transfer or your Personal Information outside of Canada and a processing outside of the EEA-UK. However, such transfer will not necessarily be from the EEA-UK to such other location outside the EEA-UK since the first processing (collection) of your Personal Information will have been carried out in Canada.

10.4 Safety Measures. In all cases in which your Personal Information is transferred to a jurisdiction other than Canada, we ensure that your Personal Information is safely processed in compliance with this Notice and that no transfer of your Personal Information will be made to an organization or country unless appropriate safeguards, including those concerning the safety of your Personal Information are provided, including Personal Information processing agreements, unless Privacy Laws do not require it. These appropriate safeguards for such a transfer outside of Canada may be obtained on request to the Cofomo’s CPO whose contact details are given above at Section 3.1.2.

10.5 Other Information on Request.

For any questions about the collection, use, disclosure or storing of Personal Information outside of Canada, please contact Cofomo’s CPO whose contact information is given above at Section 3.1.2.

11. Retention

11.1 For how long do you retain my Personal Information? Cofomo retains Personal Information for only as long as is reasonably necessary to fulfil the purpose for which it was collected, including for the purposes of satisfying any legal, accounting or reporting requirements and to assert or defend its legal rights.

To determine the appropriate duration of the retention of your Personal Information, we will consider the number, nature and sensitivity of the Personal Information, the potential risk level and the seriousness of the unauthorized use or disclosure of your Personal Information and if we can attain our objectives by other means, as well as the legal, regulatory, tax, accounting and other applicable obligations.

The precise duration of the retention of the various types of Personal Information is shown below:

11.2 Right to Erase.

In some cases, you may require that we erase all of your Personal Information as specified at Section 15.1f). Nevertheless, at the expiry of the applicable retention period, we will securely erase your Personal Information in compliance with Privacy Laws.

11.3 De-identification.

In some circumstances we will de-identify your Personal Information (to ensure that it can no longer be associated with you) for research and statistical purposes and in such a case we may use this information indefinitely without subsequently notifying you.

11.4 Other Information on Request.

For any questions about the retention of Personal Information, please contact Cofomo's CPO, whose contact details are shown above at Section 3.1.2.

12. Accuracy

Cofomo uses reasonable efforts to ensure the accuracy of your Personal Information and that it is kept as complete and up to date as possible. However, if you note any inaccuracies in our records or if your Personal Information changes, please immediately notify Cofomo.

13. Protection of personal information

Cofomo is committed to protecting the confidentiality, integrity, availability and privacy of your Personal Information. Cofomo uses security safeguards that are customary in the field of website and which are reasonable considering the sensitivity of the Personal Information, including physical, electronic and organizational measures.

For example, Cofomo restricts access to its offices, trains its staff accordingly, restricts access to Personal Information to its staff members who have a need to know, and said Personal Information is disclosed on a case by case basis as specified in this Notice,

passwords are used and well-defined internal practices and policies are applied, which namely provide that the Cofomo staff can process your Personal Information only in compliance with said policies. All Cofomo staff members have signed a confidentiality agreement which encompasses the confidentiality of your Personal Information.

Unfortunately, the transmission of information by Internet is not completely secure. Although Cofomo does its best to protect your Personal Information, Cofomo cannot guarantee the security of information transmitted using the Service. Any transmission by a Data Subject is done at his own risk. Once we have received information from the Data Subject, we will apply our security practices to try to prevent any unauthorized access, use and disclosure.

14. Openness and Transparency

Cofomo is committed to being transparent about its policies and invites Data Subject to contact the CPO for any questions they may have.

15. Your rights and how to exercise them

15.1 Your Rights.

You have various rights with respect to our use of your Personal Information:

- a) **Access**: You have the right to request a copy of the Personal Information that we hold about you or to consult it. However, we cannot disclose Personal Information about you if its disclosure would reveal the Personal Information about another person or is an infringement of applicable laws.
- b) **Accuracy**: We aim to keep your Personal Information accurate, current and complete. We invite you to contact the CPO using the contact details given at Section 3.1.2 to let us know if any of your Personal Information is inaccurate or changes, so we can keep your Personal Information up to date.
- c) **Refusal**: In certain circumstances, you also have the right to object to the processing of your Personal Information and to request that we block, erase and limit access to your Personal Information.
- d) **Right to limitation**: You have the right to ask Cofomo to limit the use of your Personal Information in certain circumstances.
- e) **Portability**: You have the right to request that some of your Personal Information be provided to you or another data controller in a structured, commonly used and machine-readable format.
- f) **Erasure**: You have the right to require the erasure of your Personal Information when it is no longer necessary for the purposes for which it was collected or when among other things, your Personal Information has been unlawfully used.

g) **Complaints:** If you believe that your data and Personal Information protection rights have been breached you have the right to lodge a complaint with the applicable supervisory authority or to seek a remedy through the courts.

15.2 Exercising Your Rights.

You may exercise any of the above-mentioned rights at any time by contacting the CPO using the contact details at Section 3.1.2.

15.2.1 Access to Information

Data Subjects may ask questions about their Personal Information which we process by contacting the CPO using the contact details at Section 3.1.2.

Cofomo will generally answer any access requests within 30 days following the receipt of all of the required information. If Cofomo is unable to grant access, or if extra time is required to complete the request, Cofomo shall notify the Data Subject in writing.

Cofomo may not transmit some type of information to Data Subjects due to exceptions provided by applicable law (for example, when Cofomo's records contain information about other Data Subjects, if the information was produced in a dispute settlement process, if the information was collected for the purposes of an investigation about the breach of an agreement or of applicable laws or if the information is covered by legal privilege). Cofomo will to the extent possible, delete the information that is not transmitted and shall grant access to the other information to the Data Subject. If Cofomo is unable to grant access to the Personal Information to the Data Subject, or to disclose it to Data Subject, Cofomo shall give an explanation, subject to restrictions, to the Data Subject.

Access to your Personal Information is free of charge. In certain circumstances, for example, if the request is excessive or unfounded, Cofomo may charge administration fees for the transcript, reproduction or transmission of your Personal Information. Cofomo may also charge for additional copies. Before completing a request for access, Cofomo shall notify the Data Subject if any fees are to be charged.

15.2.2 Right to Withdraw Consent

If you have provided your consent to the collection, processing or transfer of your Personal Information, you have the right to fully or partially withdraw your consent. To withdraw your consent, please follow the opt-out links on any newsletters email sent to you or contact the CPO.

Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose(s) to which you originally consented unless there is another legal ground for processing.

16. Resolving concerns

16.1 Confidentiality.

Any report, concern, complaint or incident that involves conduct that may infringe the Notice will be treated confidentially to the extent possible. However, disclosure may be required for investigative purposes in order to adequately address the issues raised and to implement solutions, if necessary.

16.2 Incident Reporting.

Cofomo takes all potential or actual privacy breaches seriously.

Data Subjects may report their concerns about the collection, use, disclosure, retention or destruction of their Personal Information directly to Cofomo's CPO using the contact details given at Section 3.1.2.

The CPO will engage the appropriate levels of management to assist with a resolution of the issue.

16.3 Interpretation.

Cofomo reserves the right to interpret the Notice at its entire discretion.

16.4 Other Measures.

Although Cofomo is determined to settle all privacy issues internally, nothing in the Notice prohibits a Data Subject from contacting the appropriate supervisory authority as specified at Section 3.2.

16.5 Prohibition to Undertake Reprisals.

Cofomo shall not undertake any reprisals against a Data Subject who has raised privacy issues or concerns in good faith based on reasonable grounds.

17. Roles and responsibilities

Cofomo is responsible for communicating this Notice and ensuring that members of its team fully comply with all relevant aspects of this Notice and the accompanying guidelines.

18. Updating and review

18.1 Applicable Version.

The Notice is in force on the first day mentioned at the beginning of said Notice and it replaces any previous versions. A history of the versions of this Notice may be obtained on request from the CPO. The collection, use, disclosure and any other processing of the Personal Information by Cofomo of a Data Subject are governed by the version of the Notice which is in force at that time.

18.2 Amendments to the Notice.

Privacy Laws are constantly amended and accordingly, this Notice may also be amended by Cofomo from time to time at its entire discretion. When we make amendments, we will post them on this page for a certain time to draw your attention to them, as well as posting a notice on the Website homepage to the effect that this Notice has been amended. If such amendments are substantial or require your consent, we will also notify you by email if we have your email address.

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