

# Sutton Member Program (SMP)

## Privacy Policy

The following policy outlines how the Sutton Member Program (the "SMP") will collect, use, protect and disclose Personal Information.

### DEFINITIONS

For the purpose of this policy:

**"Personal Information"** means any information about an identifiable individual that does not include:

1. The name, title, business address or telephone number of an employee of an organization;
2. Aggregated information that cannot be associated with a specific individual.

**"Member"** includes, for the purpose of this Policy, licensed brokers and salespersons.

### COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

Unless permitted by law, or within the terms of this Privacy Policy or SMP's Terms and Conditions, no Personal Information is collected from an individual without first obtaining the consent of the individual to the collection, use and dissemination of that information.

SMP may collect Personal Information of Members directly from the Member. Personal Information may also be provided to SMP by real estate boards or associations. SMP's Privacy Code requires that the collection of such information by the board/association be done with the informed consent of the individual.

### USE & DISCLOSURE

SMP uses the Personal Information provided to it for various purposes, all of which are intended to fulfill its obligations of providing mortgage brokering and other financial services to SMP Members and/or consumers. These purposes include:

- Providing products, services, information and advice to individual Members and consumers;
- administering and facilitating membership in SMP
- meeting any legal or regulatory requirements;
- any other purposes consistent with SMP's business and strategic plan.

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# Sutton Member Program (SMP)

## Terms & Conditions (cont'd)

### DISCLOSURE TO THIRD PARTIES

Certain Personal Information of Members, (name, licensed status, firm name and business contact information) is available to other Members of SMP. SMP may also disclose personal information of members to boards/associations or regulators for membership or related purposes.

SMP may also disclose Personal Information of Members to third parties, such as lawyers, consultants, affinity partners or others who worked with SMP to collect and analyze information from Members, to improve the products and services offered by SMP or to provide products and services to Members. Some of these third parties may send information to or contact the individual as part of membership surveys.

Personal Information may only be provided to organizations providing products or services to SMP if they agree to use such information solely for the purposes of providing services to SMP or to the Member's clients as a result of the products and services offered through SMP and agreed to act in a manner consistent with this Policy.

### CONSENT

By providing Personal Information to SMP, the individual is consenting to its collection, use and disclosure in accordance with this Privacy Policy.

Consent to the collection and certain uses of the information may be refused or withdrawn by the individual subject to legal or contractual requirements. In that circumstance, SMP may not be able to offer certain information, products or services to the individual.

### USE AND DISCLOSURE WITHOUT CONSENT

In certain circumstances, SMP may be permitted or required by law to disclose Personal Information without consent. Those circumstances may include;

- Where the information was public;
- Where required by law;
- Where it is necessary to collect fees;
- Where it is necessary to protect the rights of an identifiable person or group;
- Other circumstances recognized by the privacy legislation permitting disclosure without consent.

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### PROTECTING PERSONAL INFORMATION

SMP takes reasonable steps to protect information from unauthorized access or disclosure in a manner commensurate with its sensitivity, value and criticality. This Policy applies regardless of the medium on which the information is stored, the location where the information is stored, the systems used to process the information or the processes by which information is handled.

The measures used to protect Personal Information include physical measures (e.g. Locked filing cabinets), organizational measures (e.g. information is available to other persons only on the need-to-know-basis) and technological measures (e.g. computer passwords).

While SMP puts in place reasonable precautions, we cannot guarantee at all times the security of the information. No method of transmitting or storing data is completely secure, particularly with regard to Internet applications.

### ACCURACY

SMP attempts to ensure that the Personal Information under its control is as accurate, complete, current and relevant as is necessary parts identified purpose.

Information in closed files is not updated or maintained.

### RETENTION

SMP retains Personal Information as long as is necessary to fulfill the purpose for which it was collected. SMP has in place a Record Retention and Destruction Policy consistent with the nature and need for the information and legislative requirements.

### ACCESS TO PERSONAL INFORMATION

Individuals may request access to any Personal Information about themselves retained in SMP records.

All access requests must be in writing and must be directed to SMP's Privacy Officer. Access requests must be accompanied by appropriate identification that is satisfactory to SMP. SMP has the right prior to responding to any access requests, to take whatever steps it deems necessary to confirm the identity of the person making the request. SMP will endeavour to provide any applicable information within 45 days of the date of the request.

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SMP may charge a nominal amount for costs incurred in providing the information.

Where an individual believes that the Personal Information in the SMP file is inaccurate, he or she may have appended to the record any alternative information, where SMP is of the view that the appended information is, in fact, correct.

SMP has the right to decline to provide access to Personal Information in a number of circumstances, including where the information;

- Is subject to solicitor-client privilege;
- Could interfere with law enforcement, investigative or regulatory functions;
- Would disclose the Personal Information of another individual;
- Would cause serious harm to another individual;
- Is confidential business information that may harm SMP or the competitive position of a third party;
- Any other circumstances recognized by privacy legislation.

Where the information cannot be disclosed, the individual making the request will be provided with reasons for non-disclosure.

### POLICY AMENDMENTS

This Policy may be revised by SMP from time to time.

### WHERE TO DIRECT QUESTIONS

Any questions or concerns relating to the collection, use or disclosure of Personal Information by SMP may be directed to: [mortgage@suttonmember.com](mailto:mortgage@suttonmember.com).



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