

Eco-Tec Inc. / Canada Fair Processing Notice

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Last Updated: April 2024

Eco-Tec Inc. (“the Company”/ “Kovalus Canada”) whose registered office is at 1145 Squires Beach Road, Pickering, Ontario, L1W 3T9, Canada, is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your relationship with the Company in Canada, in accordance with the ‘Personal Information Protection and Electronic Documents Act’ (“PIPEDA”) and where relevant also in conformity and compliance with ‘An Act Respecting the Protection of Personal Information in the Private Sector (“Quebec Privacy Act”), the ‘Personal Information Protection Act (Alberta)’ (“PIPA Alberta”) and the ‘Personal Information Protection Act (British Columbia)’ (“PIPA BC”). The Company is a “data controller” to the extent that we collect personal information direct from you. This means that we are responsible for deciding how we hold and use that personal information about you. We are required under the PIPEDA and other applicable law to notify you of the information contained in this privacy notice.

This notice does not form part of any contract of your employment with the Company or other contract to provide services as applicable to you (both referred to in this Fair Processing Notice as “employment” and the Company referred to as “employer” whether you have a contract of employment or a contract to provide services). We may update this notice at any time.

It is important that you read this notice together with any other privacy notice we may provide to you on specific occasions when we are collecting or processing personal information about you so that you are aware of how and why we are using such information.

1. Contact details

If you have any questions about this privacy notice or how we handle your personal information please contact privacy@kss-sep.com.

2. The Data Protection Principles

When we process your personal data we will always apply the core principles of the PIPEDA and other applicable law to ensure that it is:

- i. Used lawfully, fairly and in a transparent way
- ii. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
- iii. Relevant to the purposes we have told you about and limited only to those purposes
- iv. Accurate and kept up to date
- v. Kept only as long as necessary for the purposes we have told you about
- vi. Kept securely

3. Your Data

In this section we outline the purposes for which we may collect and process your data. The purposes are non-exhaustive and may not all be relevant in the context of your employment by the Company in Canada. For each ‘purpose’ we also list the types of data we may process

and our legal basis for the processing of it. The types of data listed are strictly non-exhaustive (and may not all be relevant to your particular situation) and there may from time to time be additional data that we require to be processed but only in accordance with the PIPEDA and other relevant laws as necessary to allow us to administer the working relationship with you or where there is another legal basis pursuant to the PIPEDA permitting us to do so. PIPEDA is the relevant legislation in the below tables but to the extent that other applicable law applies those corresponding laws are deemed incorporated in by reference.

a) Recruitment and Selection

- Making decisions relating to your recruitment
- Determining or assisting in the terms of an offer of employment by the Company
- Checking that you are legally entitled to work in the country of employment, Canada

Types of personal data processed	<ul style="list-style-type: none"> • Personal contact details [telephone numbers, email addresses, address, next of kin] • Name • Prior employment history (name of prior employer, tenure, job title, prior salary and benefits) • National ID or other identification number • Education and training history (institutions, qualifications, grades, courses attended and references) • Other demographic information may be requested as applicable.
Lawful basis for processing personal data	<ul style="list-style-type: none"> • To comply with a legal obligation to ensure a candidate has the lawful right to work • To ensure we select the best candidates for the employment based on their experience and ability and once selected that the HR and associated processes of onboarding and related matters are also deemed to be construed as a lawful basis for processing personal data • To check whether you have criminal convictions and/or any other relevant regulatory convictions (when it is required and authorized by law and with appropriate safeguards for the rights and freedoms of data subjects)

b) Monitoring

- To monitor your use of information and communication systems to ensure compliance with our IT, confidentiality, and harassment policies (to the extent permitted by law and in full conformity with the provisions of your contract of employment with the Company).
- To ensure network and information security including preventing unauthorized access to our computer and electronic communications systems and preventing malicious software distribution
- To track entry and exit of building/car parks to ensure the physical security of our office sites (to the extent permitted by law)

Types of personal data processed	<ul style="list-style-type: none"> • CCTV footage if applicable and other information obtained through electronic means such as swipe card records, information about your use of our information and communications systems (to the extent permitted by law)
Lawful basis for processing personal data	<ul style="list-style-type: none"> • To safeguard the security of our business • To assist in investigations relating to employee conduct

c) Staff Administration

- Administering the arrangements we have with you
- Business management and planning
- Establishing and maintaining benefits and pension policies (as applicable)
- Assisting as appropriate in changes to your contract of employment with the Company (promotions, transfers, terminations etc.)
- Dealing with legal disputes and regulator enquiries
- Preventing fraud
- Executing grievance and disciplinary processes to the extent relevant and applicable
- Complying with health and safety obligations
- Absence management to the extent relevant and applicable (sick leave, family leave etc.)
- Time management to the extent relevant and applicable
- Coordinating travel
- Coordination building/carpark access (as applicable)

Types of personal data processed	<ul style="list-style-type: none"> • Personal contact details (telephone, email, address) • Name • Gender and/or pronouns • Beneficiaries • Emergency contact information • Date of birth • Marital status and dependents • Tax/social security ID • Bank account details • Copies of relevant identification documents (passport, driver's license etc.) • Details of qualifications • Performance ratings • Copies of employment contracts and supporting documents • Ongoing records of training and vocational development • Location of employment • Start date of employment • Current and historic job titles • Working hours details and history
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	<ul style="list-style-type: none"> • Disciplinary and grievance information • Individual requirements under health and safety regulations • Health information relevant to sickness absence • Travel information • Timesheet information • Car registration number • Details of termination
Lawful basis for processing personal data	<ul style="list-style-type: none"> • To comply with record keeping obligations • To comply with labor law standards • Necessary for the performance of the employment contract • To enable effective management and financial reporting
Lawful basis for processing 'special categories' of personal data	<ul style="list-style-type: none"> • We may use information about your physical or mental health or disability status to assist the Company as your Employer in Canada as appropriate in ensuring your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits • To the extent relevant we may use information relating to leaves of absence (which may include sickness absence or family related leave) to assist in complying with relevant employment and other laws • To the extent relevant and applicable we may use trade union membership information to comply with employment law obligations

d) Payroll (but only to the extent required as relevant and legally applicable to assist the Company, your employer in Canada)

- Paying you
- Withholding and remitting tax and social security
- Filing reports with the tax and social security authorities
- Coordinating monetary benefits (allowances, pensions, vouchers etc.)
- Tracking working time and annual leave

Types of personal data processed	<ul style="list-style-type: none"> • Current and historic remuneration data • Payslips • Tax/social security ID number • Tax status and relevant notices received from regulators • Annual leave • Sickness absence and working time information • Bank account details
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Lawful basis for processing personal data	<ul style="list-style-type: none"> • To pay you salaries and benefits per the terms of your contract • To fulfil employer's legal obligation to remit tax, social security contributions and contributions to other mandatory benefits • To fulfil employer's legal obligation to pay state benefits (sick pay, parental leave etc.
Lawful basis for processing 'special categories' of personal data	<ul style="list-style-type: none"> • We may use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws

e) Performance Management (but only to the extent relevant and legally applicable to assist the Company, your employer in Canada)

- Conducting performance reviews
- Managing performance
- Making decisions about salary and compensation
- Making decisions about promotions, demotions or termination

Types of personal data processed	<ul style="list-style-type: none"> • Emails, appraisals, meeting notes, expressions of opinion or future intentions
Lawful basis for processing personal data	<ul style="list-style-type: none"> • To assist in ensuring you meet the terms of your employment • To ensure that the business meets its strategic goals • To recognize talent and enable effective succession planning

f) Diversity, Equality and Inclusion (but only to the extent relevant and legally applicable, to assist the Company, your employer in Canada)

- Equal opportunities monitoring and initiatives
- Managing discrimination and harassment claims and investigations

Types of personal data processed	<ul style="list-style-type: none"> • Information about your age, gender and/or pronouns, race or ethnicity, marital status and other demographic information as permitted by local law
Lawful basis for processing personal data	<ul style="list-style-type: none"> • To ensure meaningful equal opportunity monitoring, reporting and initiatives

g) Marketing and Corporate

- Blogs, presentations, webinars and other editorial content
- Company literature (organization charts, reports etc.)

Types of personal data processed	<ul style="list-style-type: none"> Name, job title, location, experience, qualifications, years of service, specialisms, opinion, photographs of you
Lawful basis for processing personal data	<ul style="list-style-type: none"> To promote the services/products of the organization To document company structure and resource

4. Do we need your consent?

Under the PIPEDA (and other relevant law as applicable), consent (either expressly given or implicit depending upon the circumstances) can sometimes be a lawful basis for processing your personal information. Where that may not necessarily be the case (for example in situations where there is an obvious imbalance in power, such as employment including where you are employed by the Company in Canada) we may in the alternative or on addition to your consent express or implied rely upon one of the following legal bases - namely:

- To perform our agreed arrangements with you including assisting as relevant and requisite in arrangements for your employment by the Company, your employer in Canada,
- To enable us to comply with legal obligations, and
- Using your personal information to pursue legitimate interests of our own provided your interests and fundamental rights do not override those interests.

For 'special categories' of your personal information (health data, race or ethnicity, nationality, gender and/or pronouns, trade union membership and any other categories that are applicable to the Company) we must rely on one of the legal bases detailed in PIPEDA (and corresponding relevant provisions in other applicable law) - namely, where:

- Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller of the data subject in the field of employment and social security and social protection law insofar as it is authorized (as applicable) by Canadian law or a collective agreement pursuant to Canadian law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.
- Processing is necessary for reasons of substantial public interest on the basis of Canadian law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

For information about criminal convictions, in accordance with the relevant legislation, we may only use this data where the law allows us to do so. We do not envisage that we will hold information on criminal convictions, however there may be circumstances where the nature of a role requires us to request this information and if this is the case you will be provided with prior notification.

5. If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the arrangements we have entered into with you or to perform our obligations towards you as your employer in Canada as relevant (such as paying you or providing a benefit) or we may be prevented from complying with our legal obligations (such as to take such steps as may be necessary towards ensuring the health and safety of our workers in Canada).

6. Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another purpose and that purpose is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent in compliance with the above rules where this is required or permitted by law.

7. Will your personal data be subjected to automated decision-making?

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

- Where we have notified you of the decision and given you a reasonable opportunity or otherwise as required by applicable law to request a reconsideration
- Where it is necessary to perform a contract with you and appropriate measures are in place to safeguard your rights
- In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision based on any particularly sensitive personal information we must have either your explicit written consent or it must be justified in the public interest and we must put in place appropriate measures to safeguard your rights.

We do not envisage that any decisions will be taken about you using automated means. However, we will notify you in writing if this position changes.

8. Data Sharing

We may have to share your data with third parties including third-party service providers and other entities in the group. We require third parties to respect the security of your data and to treat it in accordance with the law. We may transfer your personal information outside of Canada. If we do, you can expect a similar degree of protection in respect of your personal information.

9. Third Parties

We may share your personal information with third parties where required by law, where it is necessary to assist us in administering the working relationship you have with the Company as your employer in Canada or where we have another legitimate interest in doing so. Third parties include third-party service providers (including contractors and designated agents) and other entities within our group.

The following activities are routinely carried out by third-party service providers but this list is strictly non-exhaustive and from time to time we may within our discretion share your personal information with such other third-party service providers as necessary to ensure directly or indirectly that we can continue to assist as your employer in Canada in administering the working relationship with you (which will include some at least of the below services) and therefore have a legitimate interest in doing so :

- Payroll
- Benefits provision and administration
- Pension /retirement and stock administration

- Tax compliance and accounting
- HR consulting
- IT services
- Occupational Health services
- Delivery and maintenance of the service, applications, and internal and external information systems
- Security of the service, applications, and internal and external information systems

We will share your personal information with other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganization or group restructuring exercise, for system maintenance support and hosting of data.

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes, in accordance with our instructions and under the terms of a data processing agreement.

10. Transferring information outside of Canada

We may transfer the personal information we collect about you to countries outside Canada in order to perform our arrangements with you and to assist the Company in performing its employment contract in Canada with you.

There is not necessarily an adequacy decision in respect of all such countries which means they are not necessarily deemed to provide an adequate level of protection for your personal information.

However, to ensure that your personal information does receive an adequate level of protection we have put in place relevant appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the laws on data protection.

You can contact us if you require further information about these protective measures.

11. The period for which data is stored

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances, we may anonymize your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you no longer have an association with the Company we will retain and securely destroy your personal information in accordance with our data retention policy and/or applicable laws and regulations.

12. Data Security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

13. Your rights

Under certain circumstances, by law you have the right to:

- Request access to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it
- Request correction of the personal information we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected
- Request erasure of your personal information subject strictly to the relevant provisions of the PIPEDA and/or other applicable national data privacy laws or related regulatory provisions . This enables you to ask us to delete or remove (strictly as subject to and permitted by the relevant laws) personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below)
- Object to processing of your personal information where we are relying on a legitimate interest (or those of a third-party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- Request the restriction of processing of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please put a request in writing to privacy@kss-sep.com.

As stated above, the processing of your personal data may sometimes be based on legal bases other than or additional to your consent. However, in the circumstances where you may have provided your consent in accordance with the requirements of the PIPEDA to the collection, processing and transfer of your personal information for a specified purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact privacy@kss-sep.com.

Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

14. No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

15. What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

16. Raising a complaint

If you are unhappy with the way in which your personal information has been processed, you may in the first instance contact privacy@kss-sep.com.

If you remain dissatisfied, then you have the right to apply directly to the Canadian Data Protection Authority for a decision - contact details below:

'Office of the Privacy Commissioner of Canada'

30 Victoria Street

Gatineau

Quebec

K1A 1H3

Canada

Telephone: 819-994-5444

Website: services.priv.gc.ca

17. Changes to this privacy notice

We reserve the right to update this privacy notice at any time and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.