



# Respecting Your Information

## HOMES BY AVI PRIVACY POLICY

At Homes by Avi ("Avi"), we are committed to maintaining the accuracy, confidentiality and security of your personal information. This Privacy Policy describes the personal information that Avi collects from or about you, how we use and to whom we disclose that information.

This Privacy Policy applies to the personal information of all individuals, unless the personal information is related to an individual who seeks to be, is or was employed by Avi. Such information is dealt with in the "Homes by Avi Employee Privacy Policy".

### Why We Have a Privacy Policy

Avi believes in building and preserving relationships with our past, present and future customers. These relationships are built on trust, respect and serving your needs. Establishing that trust and respect in this relationship is done by telling you what information, we require from you, how this information will be handled and used, and how this information will be kept safe. We know that your personal information is a valued asset and we want you to know we will treat it carefully.

Your personal information is also governed by certain federal, provincial and in some cases international legislation which we, at Avi, comply with. In every case, we process personal information in accordance with the standards required by provincial and federal privacy and data protection laws. When we process personal data of individuals in the European Economic Area (the "EEA"), we do so in accordance with the privacy and data protection laws applicable to the European Union.

### What is Personal Information?

Personal information is any information about an identifiable individual, other than the person's business title or business contact information when used or disclosed for the purpose of business communications.

## What Personal Information Do We Collect?

We collect personal information from individuals with whom we interact, which may be provided to us through a variety of means including oral, written and electronic communications. This includes interaction through our web site; at our showhomes, sales centres and exhibitions; by way of market research and for the purpose of serving our customers.

The personal information we collect includes:

- contact and identification information, such as your name, addresses, telephone number and email address;
- information related to the purchase or proposed purchase of a home including;
  - municipal and legal address
  - all plans, specifications, agreements, addendums, revisions, change orders, or any other information related to the construction of the home including general information on preferences, advisors and decision-makers, feed-back and information requested by or provided to you
  - personal financial, banking and insurance information
  - information about any remedial work or other work done to the home
- information from third-party contractors, suppliers, consultants, developers and lawyers who provide work or services directly to you or Avi;
- information required by The Alberta New Home Warranty Program (the "Program"). This information includes any information about a request for assistance, claim or dispute between you and Avi about your home, including information provided during the course of alternate dispute resolution processes such as conciliation, mediation and arbitration procedures of the Program or any legal proceedings;
- website specific information regarding requests and choices you may have made and other general information such as your IP address, "cookies", URL addresses and names of the immediate proceeding website you may have visited; and,
- market research information related to your choices, preferences and demographics

## Why Do We Collect Personal Information?

Avi collects personal information to enable us to manage, maintain, and develop our business and operations, including:

- to establish, maintain and manage our relationship with you so that we may provide you with, or receive from you, the products and services that have been requested;
- to be able to review the products and services that we provide to you so that we may understand your requirements for our products and services as so that we may work to improve our products and services;

- to be able to comply with your requests to protect us against error, fraud, theft and damage to our goods and property;
- to enable us to undertake our environmental, health and safety activities, including incident planning, response and investigation;
- to enable us to comply with applicable law or regulatory requirements (for example, we may collect information to satisfy the obligations imposed on us by Canada Revenue Agency);
- to enable us to analyze market conditions; and,
- any other reasonable purpose to which you consent.

If you have contacted us through our website, or provided us other contact information in our efforts to market our products and services, we may also contact you via e-mail message or other media to:

- respond to an inquiry or request for information;
- thank you for contacting Homes by Avi;
- welcome you to Homes by Avi and to its products and services;
- explain new product offerings and features of our services;
- notify you of special promotions;
- communicate with you after the purchase of a home about your home and your use of our related products and services; and,
- contact you after the purchase of a home regarding warranty services;

## How Do We Use and Disclose Your Personal Information?

We use and disclose your personal information:

- for the purpose described in this Privacy Policy;
- for any additional purposes for which we have obtained your consent to use or disclose your personal information;
- Homes by Avi does not sell, rent, share or otherwise disclose mailing lists or other personal information obtained with any non-affiliated companies. However, your contact information may be available or provided to third-party service providers and contractors (such as the Website developer) that are contractually obligated to protect your information as disclosed in this Privacy Policy.

Under EU privacy and data protection laws, the use of personal information must be justified under at least one of a number of legal grounds. The principal legal grounds that apply when we use or disclose the personal information of EU citizens are as follows:

- Contract performance (where your personal information is necessary to enter into or perform our contract with you);
- Legal obligation (where we need to use your personal information to comply with our legal obligations);

- Legitimate interests (where we use your information to achieve a legitimate interest and our reasons for using it outweigh any prejudice to your privacy and data protection rights);
- Legal claims (where your information is necessary for us to defend, prosecute or make a claim against you, us, or a third party); and,
- Consent (where you have consented to our use or disclosure of your personal information).

We share your personal information with our employees, contractors, consultants and other parties who require such information to assist us with managing our relationship with you, including: third parties that provide services to us or on our behalf; third parties that assist Avi in the provision of goods and services to you; and third parties whose services we use to conduct our business.

In addition, personal information may be disclosed or transferred to another party during the course of, or completion of, a change in ownership of or the grant of a security interest in, all or a part of Avi through, for example, an asset or share sale, or some other form of business combination, merger or joint venture, provided that such party is bound by appropriate agreements or obligations and required to use or disclose your personal information in a manner consistent with the use and disclosure provisions of the Privacy Policy, unless you consent otherwise.

Further, your personal information may be used or disclosed:

- as permitted or required by applicable law or regulatory requirements;
- to comply with valid legal processes such as search warrants, subpoenas or court orders;
- as part of Avi's regular reporting activities;
- to protect the rights and property of Avi;
- to take precautions against liability;
- during emergency situations or where necessary to protect the safety of a person or group of persons;
- where the personal information is publicly available;
- to respond to claims that your information violated the rights and interests of third parties;
- to protect the security and integrity of the website;
- to correct technical problems and malfunctions in the website; or
- with your consent, or as otherwise required or authorized by law. We will only use or disclose your personal information without your consent where we are permitted or required by regulatory law to do so.

Avi may be required from time to time to disclose your personal information to third parties. The purposes for such disclosure include, but are not limited to:

- enrollment in the Program;
- developer approval of the plans and specifications;
- financing of the construction;

- registration of the Transfer of Land with the Land Titles Office;
- providing information required by the Canada Revenue Agency;
- advising contractors conducting work on the home insofar as is necessary for any specific contractor to complete its work on the home; and,
- conducting warranty inspections and subsequent remedial work, if such work is covered by any warranty contained in the Purchase Agreement;

## Your Consent is Important to Us

Your consent may be implied or express. Implied consent is consent that can reasonably be inferred from your action or inaction. For example, when you enter into an agreement with us, we will assume your consent to the collection, use and disclosure of your personal information for purposes related to the performance of that agreement and for any other purposes identified to you at the relevant time.

We assume that, unless you advise us otherwise, you have consented to the collection, use and disclosure of your personal information as explained in this Privacy Policy. If we plan to use or disclose your personal information for a purpose not previously identified (either in this Privacy Policy or separately), we will endeavour to advise you of that purpose and obtain express consent before such use or disclosure. Express consent can be given orally, electronically or in writing.

## Choice/Withdrawal of Consent

You may change or withdraw your consent at any time, except where it is required to fulfill our legal or contractual obligations and subject to reasonable notice, by contacting our Privacy Officer using the contact information set out below. All communications with respect to such withdrawal or variation of consent should be in writing and addressed to our Privacy Officer.

## How is Your Personal Information Protected?

We recognize that information security is an integral element of data privacy. While no data transmission (including over the Internet or any website) and no storage system can be guaranteed to be secure from intrusion, Avi endeavours to maintain physical, technical and procedural safeguards that are appropriate to the sensitivity of the personal information in question. These safeguards are designed to prevent your personal information from loss or unauthorized access, copying, use, modification or disclosure, in accordance with data protection law requirements in Canada and the EEA .

Information that you provide to us is stored on our or our service providers' secure servers and accessed and used subject to our security policies and standards, or those agreed with our service providers. Everyone at Avi and any third party service providers we may engage that process personal information on our behalf (for the purposes listed above) are also contractually obligated to respect the confidentiality of personal information.

## Updating Your Personal Information

It is important that the information contained in our records is both accurate and current. If your personal information happens to change during the course of your relationship, please keep us informed of such changes. We will endeavour to change that record.

## Access to Your Personal Information

Avi provides individuals with the opportunity to access their personal information that is held, subject to exceptions permitted by law. If you require further information, please contact Avi's Privacy Officer at 245 Forge Road S.E., Calgary, AB T2H 0S9; Phone 403-536-7000, Fax 403-536-7001 or [privacyofficer@homesbyavi.com](mailto:privacyofficer@homesbyavi.com). A nominal fee may be charged based on the volume of information requested.

## Your Rights in Relation to Your Personal Information

In addition to the right to access and update your personal information, under certain circumstances and in accordance with applicable data protection laws you may have the right to require us to:

- provide you with further details on the use we make of your personal information;
- delete any personal information that we no longer have a lawful ground to use;
- where processing is based on consent, to withdraw your consent so that we stop that particular processing; and,
- restrict how we use your information whilst a complaint is being investigated.

You may also ask us not to process your personal information for marketing purposes. We will inform you if we intend to disclose your information to any third party service provider for this purpose. You can exercise your right to prevent such processing by using an unsubscribe mechanism embedded in our email messages to you, or by contacting us at [privacyofficer@homesbyavi.com](mailto:privacyofficer@homesbyavi.com).

## How Long We Keep Your Personal Information

We will retain your personal information for as long as is necessary to fulfill the purpose for which it was collected and any other permitted purpose in accordance with applicable data protection laws. In general, our retention periods are based on our business needs and good practice. When there is no longer a lawful purpose for retaining personal information, we destroy it in a secure manner, in accordance with our physical, technical and procedural safeguards.

## Revisions to this Privacy Policy

Avi from time to time, may make changes to this Privacy Policy to reflect changes in its legal or regulatory obligations or in the manner in which we deal with your personal information. We will post any revised version of this Privacy Policy on our website ([www.homesbyavi.com](http://www.homesbyavi.com)) and we encourage you to refer back to it on a regular basis. This Privacy Policy was last updated on June 24, 2018.

If you have more questions about your privacy rights in Alberta, please visit the website of the Office of the Information and Privacy Commissioner at [www.oipc.ab.ca](http://www.oipc.ab.ca)

## Interpretation of this Privacy Policy

Any interpretation associated with this Privacy Policy will be made by our Privacy Officer. This Privacy Policy includes examples but is not intended to be restricted in its application to such examples; therefore, where the word 'including' is used, it shall mean 'including without limitation'.

This Privacy Policy does not create or confer upon any individual any rights, or impose upon Avi any rights or obligations outside of, or in addition to, any rights or obligations imposed by Canada's federal and provincial privacy laws, or laws applicable to citizens in the EEA. Should there be, in a specific case, any inconsistency between this Privacy Policy and applicable privacy and data protection laws, this Privacy Policy shall be interpreted, in respect of that case, to give effect to, and comply with, such privacy and data protection laws.

## Calgary Office:

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